GUIDE

TO THE

REVENUE REGULATIONS

OF THE

PRESIDENCIES OF BENGAL AND AGRA;

CONTAINING

ALL THE UNREPEALED ENACTMENTS OF GOVERNMENT, IN REVENUE MATTERS,

METHODICALLY ARRANGED

BY

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CORRECTED TO THE 1ST SEPTEMBER, 1835.

VOL. I.

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PREFACE.

THE present Compilation of the Revenue Regulations of the Bengal and Agra Presidencies is presented to the community in India not without much diffidence. My object has been to arrange the unrepealed enactments of Government in matters of public Revenue and private rent, in such order as to bring all the rules which refer to each branch of the subject into one point of view; and thus to assist the researches of those who have occasion to consult the laws. I am not conscious of having omitted any Section or Clause which bore any reference to this object; (and several, which, on a final perusal of the Regulations, were found to have been inadvertently omitted, have been given in an Appendix;) but I fear that the division and arrangement of the subjects, though the result of great labour, may appear to those who are in the daily habit of administering the laws, open to much improvement. I trust, however, that, notwithstanding the defects which may appear in the compilation, this humble attempt to reduce to some order and system the complicated enactments of forty years, which were scattered over ten folio volumes, may be

found not altogether without value; while the fact of its being the first attempt will perhaps disarm the severity of criticism.

I have many apologies to offer the reader for an error into which I have inadvertently fallen in the chapter which refers to the Jurisdiction of Collectors, in the cognizance of suits regarding matters of rent. I read over repeatedly the celebrated Regulation VII. of 1822, and, notwithstanding all its mystification, felt satisfied at the time, that the powers thereby vested in Collectors, to determine questions of rent, were to be exercised only where they were employed in making or revising settlements; those enactments were therefore placed under the chapter which referred to that subject. I was subsequently convinced that it was intended they should be exercised by Collectors generally; but it was then too late to transpose them to their proper station. The rules regarding the cognizance and decision of such suits by Collectors will therefore be found in two different places in this compilation; but I trust that this explanation, with the copious Index which has been given, will obviate any inconvenience, which might arise from the error.

Every enactment has been copied verbatim from the Regulations of Government; and the compilation will therefore be found useful in the management of suits both by those who have occasion either to conduct or to institute them, and those who are called on to decide them. Where the old rules have been enacted for Benares, and the Ceded and Conquered Provinces, without any material alteration, it has not appeared necessary to repeat them; but the extension of the rule to those Provinces has been noted at the foot of each Section and Clause; and the names of the Provinces in which the enactments prevail have been also signified in the margin. Where

no such reference is made in the margin; it is to be understood that the enactment applies to all the Provinces.

A copious Index of all the rules quoted in this compilation is prefixed to it. This will enable those who consult the work to ascertain, in what page any particular Section or Clause of any Regulation is to be found.

JOHN C. MARSHMAN.

SERAMPORE,
October 1*st*. 1835.

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„	„	5	322	b
„	„	6	„	b
„	„	7	„	b
„	„	8	„	b
„	„	9	323	b
„	„	10	„	b
„	„	11	„	b
„	„	12	324	b
„	„	13	„	b
„	„	14	„	b
„	„	15	„	b
„	3		„	b
„	4		325	b
„	5	1	326	b
„	„	2	„	b
„	6	1	327	b
„	„	2	„	b
„	7	1	„	b
„	„	2	328	b
„	8		„	b
„	9		329	b
„	10	1	„	b
„	„	2	„	b
„	„	3	330	b

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XXVII.	10	4	330	b.
„	11		331	b
„	12		„	b
XXXIII.	8		365	b
„	9		„	b
„	10		366	b
„	11		„	b
„	12		„	b
„	13		„	b
„	14		367	b
„	15		„	b
XXXV.	21		302	a
XXXVI.	2		174	b
„	3		176	b
„	4		177	b
„	5		„	b
„	6	1	„	b
„	„	2	„	b
„	„	3	178	b
„	7		„	b
„	8	1	„	b
„	„	2	„	b
„	9	1	179	b
„	„	2	„	b
„	10		„	b
„	11		180	b
„	12		181	b
„	13		„	b
„	14		„	b
„	15		175	b
„	16		174	b
XXXVIII.	2		29	b
„	3		281	b
„	4		„	b
„	5		„	b
„	6		282	b
XLIII.	33	1	204	b
„	„	2	205	b
„	„	3	„	b
„	„	4	„	b
„	„	5	„	b
„	„	6	„	b
„	„	7	206	b
„	„	8	„	b
„	„	9	„	b

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XLIII.	33	10	206	*b*
„	„	11	„	*b*
„	„	12	„	*b*
„	„	13	207	*b*
„	„	14	„	*b*
XLIV.	3		297	*a*
„	4		„	*a*
„	5		201	*a*
„	6		23	*a*
„	„		298	*a*
„	7		23	*a*
„	„		298	*a*
„	8		308	*a*
XLV.	2		410	*a*
„	3		„	*a*
„	4		416	*a*
„	5		414	*a*
„	6		415	*a*
„	7		„	*a*
„	8		416	*a*
„	9		„	*a*
„	10		„	*a*
„	11		417	*a*
„	12		411	*a*
„	13		417	*a*
„	14		418	*a*
„	15		„	*a*
„	16		413	*a*
„	17		419	*a*
„	18		423	*a*
„	28		376	*a*
XLVIII.	2	1	143	*b*
„	„	2	142	*b*
„	3		143	*b*
„	4		„	*b*
„	5		144	*b*
„	6		„	*b*
„	7	1	„	*b*
„	„	2	„	*b*
„	„	3	145	*b*
„	„	4	„	*b*
„	„	5	146	*b*
„	„	6	147	*b*
„	8		„	*b*
„	9		„	*b*

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XLVIII.	10		147	*b*
„	11		148	*b*
„	12		„	*b*
„	13		149	*b*
„	16		155	*b*
„	17		156	*b*
„	18		157	*b*
„	19		„	*b*
„	20		158	*b*
„	21		154	*b*
„	22		„	*b*
„	23		„	*b*
„	24	1	158	*b*
„	„	2	„	*b*
„	„	3	159	*b*
„	„	4	„	*b*
„	„	5	„	*b*
„	„	6	„	*b*
„	„	7	„	*b*
„	25		„	*b*
„	26		149	*b*
„	27		153	*b*
„	28		160	*b*
„	29		148	*b*
„	30		164	*b*
XLIX.	2		243	*b*
„	3		„	*b*
„	4		244	*b*
„	5		„	*b*
„	6		„	*b*
L.	2		108	*b*
„	3		118	*b*
„	4		„	*b*
„	5		109	*b*
„	6		„	*b*

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III.	2		175	*a*
„	3		220	*a*
„	8		288	*a*
„	12		244	*a*
„	13		219	*a*
„	14		221	*a*
„	15		57	*b*

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Reg.	Sect.	Cl.	Page.	
III.	16		58	*b*
„	17		59	*b*
„	18		„	*b*
„	19		60	*b*
„	20		„	*b*
„	21		„	*b*
„	22		291	*a*
IV.	2		304	*a*
„	5		310	*a*
„	6		299	*a*
„	7		„	*a*

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I.	1		33	*a*
„	2		„	*a*
„	3	1	35	*a*
„	„	2	„	*a*
„	„	3	„	*a*
„	„	4	„	*a*
„	„	5	„	*a*
„	„	6	36	*a*
„	4		„	*a*
II.	1		37	*a*
„	2		„	*a*
„	3	1	„	*a*
„	„	2	39	*a*
„	„	3	„	*a*
„	4		„	*a*
„	5		40	*a*
„	6		41	*a*
„	7		42	*a*
„	8	1	„	*a*
„	„	2	43	*a*
„	9	1	„	*a*
„	„	2	„	*a*
„	„	3	44	*a*
„	10		„	*a*
„	11		45	*a*
„	12		„	*a*
„	13		„	*a*
„	14	1	46	*a*
„	„	2	47	*a*
„	„	3	„	*a*
„	„	4	„	*a*

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II.	14	5	47	*a*
„	„	6	„	*a*
„	„	7	„	*a*
„	„	8	48	*a*
„	„	9	„	*a*
„	„	10	„	*a*
„	15	1	„	*a*
„	„	2	49	*a*
„	„	3	„	*a*
„	16	1	50	*a*
„	„	2	51	*a*
„	17	1	„	*a*
„	„	2	52	*a*
„	„	3	53	*a*
„	„	4	„	*a*
„	„	5	54	*a*
„	„	6	„	*a*
„	„	7	55	*a*
„	„	8	„	*a*
„	„	9	„	*a*
„	18		„	*a*
„	19		„	*a*
„	20		46	*a*
„	21		38	*a*
„	22		56	*a*
„	23		„	*a*
„	24		57	*a*
„	25		59	*a*
„	26		„	*a*
„	27		„	*a*
„	28		61	*a*
IV.	1		333	*b*
„	2		„	*b*
„	3		„	*b*
„	4		334	*b*
„	5		„	*b*
„	6		„	*b*
„	7		335	*b*
„	8		„	*b*
„	9		„	*b*
„	10		„	*b*
V.	2	1	20	*b*
„	3	2	22	*b*
„	4		„	*b*
„	5		23	*b*

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V.	6		23	*b*
„	7	1	„	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	24	*b*
„	„	6	„	*b*
„	„	7	„	*b*
„	„	8	25	*b*
„	„	9	„	*b*
„	„	10	„	*b*
„	„	11	„	*b*
„	„	12	„	*b*
„	„	13	26	*b*
„	„	14	„	*b*
„	8		„	*b*
„	9		56	*b*
„	10		30	*b*
„	11		51	*b*
„	12		26	*b*
„	„		28	*b*
„	13		28	*b*
„	14		20	*b*
„	15		31	*b*
„	„		57	*b*
„	16		57	*b*
„	17		30	*b*
„	18		30	*b*
„	20		27	*b*
„	21		30	*b*
„	23		27	*b*
„	24		„	*b*
„	25		20	*b*
„	27		6	*b*
„	28		42	*b*
„	29		9	*b*
„	30		„	*b*
„	31		457	*a*
„	32		9	*b*
„	33		„	*b*
„	34		22	*b*
„	35		10	*b*
„	„		200	*a*
„	36		10	*b*
VI.	2		262	*a*

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VI.	3		263	*a*
„	4		„	*a*
„	5		264	*a*
„	6		„	*a*
„	7		265	*a*
„	8		266	*a*
„	9		267	*a*
„	10		„	*a*
„	11		„	*a*
„	13		268	*a*
„	14		269	*a*
„	15		270	*a*
„	16		272	*a*
„	17	1	276	*a*
„	„	2	„	*a*
„	„	3	277	*a*
„	„	4	278	*a*
„	18	1	„	*a*
„	„	2	279	*a*
„	„	3	280	*a*
„	„	4	„	*a*
„	20		„	*a*
„	21		281	*a*
„	22		225	*a*
„	23		229	*a*
„	24		„	*a*
„	25		230	*a*
„	26		238	*a*
„	27		„	*a*
„	28		242	*a*
„	30		244	*a*
„	31		282	*a*
„	35		246	*a*
„	36		248	*a*
„	37		„	*a*
„	38		249	*a*
„	39		„	*a*
„	40		250	*a*
„	41		„	*a*
„	42		251	*a*
„	43		„	*a*
„	44		252	*a*
„	45		253	*a*
„	46		288	*a*
„	47		253	*a*

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VI.	48		254	a
,,	49		,,	a
,,	50		201	a
,,	51		255	a
,,	52		256	a
,,	53		231	a
VIII.	4	2	611	b
XIV.	2	,,	245	b
XVII.	46		288	a
XIX.	2	1	143	b
,,	,,	2	142	b
,,	3		143	b
,,	4		,,	b
,,	5		144	b
,,	6		,,	b
,,	7	1	,,	b
,,	,,	2	145	b
,,	,,	3	,,	b
,,	,,	4	146	b
,,	,,	5	147	b
,,	8		,,	b
,,	9		,,	b
,,	10		148	b
,,	11		,,	b
,,	12		149	b
,,	13		,,	b
,,	16		155	b
,,	17		158	b
,,	18		,,	b
,,	19		154	b
,,	20		,,	b
,,	21		,,	b
,,	22	1	158	b
,,	,,	2	,,	b
,,	,,	3	159	b
,,	,,	4	,,	b
,,	,,	5	,,	b
,,	,,	6	,,	b
,,	,,	7	,,	b
,,	23		160	b
,,	24		149	b
,,	25		154	b
,,	26		161	b
,,	27		148	b
,,	28		164	b

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XX.	2		410	a
,,	3		,,	a
,,	4		416	a
,,	5		414	a
,,	6		415	a
,,	7		416	a
,,	8		,,	a
,,	9		,,	a
,,	10		417	a
,,	11		,,	a
,,	12		412	a
,,	13		418	a
,,	14		,,	a
,,	15		,,	a
,,	16		413	a
,,	17		419	a
,,	18		423	a
,,	19		419	a
XXII.	35	9	52	a
XXVII.	1		61	a
,,	2		,,	a
,,	3		62	a
,,	4	1	,,	a
,,	,,	2	,,	a
,,	5	1	63	a
,,	,,	2	,,	a
,,	,,	3	,,	a
,,	,,	4	,,	a
,,	,,	5	64	a
,,	6		,,	a
,,	8		65	a
XXXIII.	1		261	b
,,	2		262	b
,,	3		263	b
,,	4	1	,,	b
,,	,,	2	,,	b
,,	,,	3	,,	b
,,	,,	4	264	b
,,	,,	5	,,	b
,,	,,	6	,,	b
,,	,,	7	,,	b
,,	,,	8	265	b
,,	,,	9	,,	b
,,	,,	10	,,	b
,,	,,	11	,,	b

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XXXIII.	4	12	266	*b*
„	5		„	*b*
„	6		„	*b*
„	7	1	„	*b*
„	„	2	267	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	„	*b*
„	„	6	268	*b*
„	8	1	„	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	9	1	„	*b*
„	„	2	269	*b*
„	„	3	„	*b*
„	10		„	*b*
XXXIV.	1		189	*b*
„	2		„	*b*
„	3		190	*b*
„	4		„	*b*
„	5		„	*b*
„	6		„	*b*
„	7		191	*b*
„	8		192	*b*
„	9		„	*b*
„	10		„	*b*
„	11		„	*b*
„	12		193	*b*
„	13		„	*b*
„	14		„	*b*
XXXV.	2		379	*a*
„	3		„	*a*
„	5		396	*a*
„	7		403	*a*
„	8		394	*a*
XLIII.	1		207	*b*
„	2	1	208	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	209	*b*
„	„	6	„	*b*
„	„	7	„	*b*
„	„	8	„	*b*
„	„	9	„	*b*

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XLIII.	2	10	210	*b*
„	„	11	„	*b*
„	„	12	„	*b*
„	3		„	*b*
„	4		„	*b*
XLIV.	2		125	*b*
„	3		126	*b*
„	4		„	*b*
„	5		„	*b*
„	6		129	*b*
XLV.	2		375	*a*
„	3		386	*a*
„	4		„	*a*
„	6		378	*a*
„	7		381	*a*
„	8		379	*a*
„	9		393	*a*
„	10		388	*a*
„	11		387	*a*
„	12		388	*a*
„	13		„	*a*
„	14		„	*a*
„	15		381	*a*
„	16		„	*a*
„	17		382	*a*
„	18		383	*a*
„	19		384	*a*
„	20		398	*a*
„	21		402	*a*
„	22		403	*a*
„	23		„	*a*
„	24		„	*a*
„	25		374	*a*
„	26		377	*a*
„	27	1	396	*a*
„	„	2	394	*a*
„	28		376	*a*
„	29		377	*a*
„	30		387	*a*
„	31		404	*a*
„	32		406	*a*
XLVI.	2		367	*b*
XLVIII.	2		29	*b*
„	3		281	*b*
„	4		„	*b*

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Reg.	Sect.	Cl.	Page.	
XLVIII.	5		282	*b*
„	6		„	*b*
„	7	1	144	*b*
L.	5		202	*a*
„	6		298	*a*
LI.	1		313	*a*
„	2	1	„	*a*
„	„	2	314	*a*
„	„	3	„	*a*
„	„	4	315	*a*
„	„	5	„	*a*
„	„	6	„	*a*
„	„	7	316	*a*
„	3	1	317	*a*
„	„	2	318	*a*
„	„	3	„	*a*
„	„	4	„	*a*
„	„	5	„	*a*
„	„	6	319	*a*
„	„	7	„	*a*
„	„	8	320	*a*
„	„	9	„	*a*
„	„	10	„	*a*
„	4		„	*a*
„	5		321	*a*
„	6		„	*a*
„	7		310	*a*
„	9		300	*a*
„	10		„	*a*
LV.	2		116	*b*

1796.

III.	2		98	*b*
„	3		463	*a*

1797.

XV.	1		451	*a*
„	2	1	452	*a*
„	„	2	„	*a*
„	„	3	„	*a*
„	3	1	„	*a*
„	„	2	„	*a*

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Reg.	Sect.	Cl.	Page.	
XV.	3	3	452	*a*
„	4		„	*a*
„	5		453	*a*
„	6		„	*a*
„	7		„	*a*
„	8		454	*a*
„	9		„	*a*

1798.

I.	1		289	*b*
„	2		290	*b*
„	3		291	*b*
„	4		292	*b*
„	5		„	*b*

1799.

V.	2		126	*b*
„	3		127	*b*
„	4		„	*b*
„	5		128	*b*
„	6		129	*b*
VII.	2		375	*a*
„	3		373	*a*
„	4		398	*a*
„	5		401	*a*
„	6		395	*a*
„	7		„	*a*
„	8		396	*a*
„	9		382	*a*
„	10		384	*a*
„	11		385	*a*
„	12		371	*a*
„	„		409	*a*
„	13		404	*a*
„	15	1	344	*a*
„	„	2	„	*a*
„	„	3	345	*a*
„	„	4	358	*a*
„	„	5	359	*a*
„	„	6	365	*a*
„	„	7	„	*a*
„	„	8	311	*a*
„	„	„	312	*a*

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Reg.	Sect.	Cl.	Page.	
VII.	16		364	*a*
„	17		362	*a*
„	18		„	*a*
„	19		360	*a*
„	„		376	*a*
„	„		120	*b*
„	20		360	*a*
„	23	2	211	*a*
„	„	„	232	*a*
„	„	3	215	*a*
„	„	„	310	*a*
„	„	4	216	*a*
„	„	6	242	*a*
„	„	7	232	*a*
„	24		230	*a*
„	25		217	*a*
„	26		104	*b*
„	27		231	*a*
„	29	1	69	*b*
„	30		218	*a*

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I.	1		129	*b*
„	„		130	*b*
„	2		131	*b*
„	3		„	*b*
„	4		„	*b*
„	5		132	*b*
„	6		„	*b*
„	7		„	*b*
V.	2		376	*a*
„	3		374	*a*
„	4		399	*a*
„	5		402	*a*
„	6		395	*a*
„	7		396	*a*
„	8		„	*a*
„	9		383	*a*
„	10		385	*a*
„	11		„	*a*
„	12		409	*a*
„	13		405	*a*
„	„		292	*a*
„	14	1	344	*a*

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V.	14	2	345	*a*
„	„	3	346	*a*
„	„	4	358	*a*
„	„	5	360	*a*
„	„	6	365	*a*
„	„	7	367	*a*
„	„	8	368	*a*
„	15		364	*a*
„	16		362	*a*
„	17		363	*a*
„	18		377	*a*
„	22		269	*a*
„	23		272	*a*
„	24		273	*a*
„	25		274	*a*
„	26		278	*a*
VIII.	2		166	*b*
„	3	1	„	*b*
„	„	2	„	*b*
„	„	3	167	*b*
„	„	4	„	*b*
„	4		168	*b*
„	5		171	*b*
„	6		168	*b*
„	7		169	*b*
„	8		172	*b*
„	9		170	*b*
„	10		172	*b*
„	11		146	*b*
„	13		142	*b*
„	14		155	*b*
„	15		149	*b*
„	16		152	*b*
„	17		161	*b*
„	18		162	*b*
„	20		164	*b*
„	21		165	*b*
X.	1		140	*b*
„	2		141	*b*

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I.	2		212	*a*
„	4		219	*a*
„	8		196	*a*

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,,	10		193	*a*
,,	,,		256	*a*
,,	14		293	*a*
IX.	2		350	*a*

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II.	2		374	*b*
,,	3		375	*b*
,,	4		,,	*b*
,,	5		,,	*b*
,,	6		,,	*b*
,,	7		376	*b*
,,	8		,,	*b*
,,	9		,,	*b*
,,	10		377	*b*
,,	11		,,	*b*
,,	12		378	*b*
,,	13		,,	*b*
,,	14		379	*b*
,,	15		,,	*b*
,,	16		,,	*b*
,,	17		,,	*b*
,,	18		380	*b*
,,	19		,,	*b*
,,	20		,,	*b*
,,	21		,,	*b*
,,	26		,,	*b*
,,	27		381	*b*
,,	28		,,	*b*
,,	29		,,	*b*
,,	30		382	*b*
,,	31		,,	*b*
,,	32		383	*b*
,,	33		,,	*b*

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III.	16	1	123	*b*
,,	,,	2	127	*b*
,,	,,	3	,,	*b*
,,	,,	4	128	*b*
,,	,,	5	,,	*b*
,,	,,	6	129	*b*

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V.	14	1	269	*a*
X.	7		103	*b*
XVII.	2		174	*b*
XIX.	2		29	*b*
,,	,,		30	*b*
,,	3		281	*b*
,,	4		,,	*b*
,,	5		282	*b*
,,	6		,,	*b*
XXIII.	,,		181	*b*
,,	,,		182	*b*
,,	,,		183	*b*
XXIV.	1		194	*b*
,,	2		,,	*b*
,,	3		195	*b*
,,	4		,,	*b*
,,	5	1	,,	*b*
,,	,,	2	196	*b*
,,	6		,,	*b*
,,	7		,,	*b*
,,	8		,,	*b*
,,	9		,,	*b*
,,	10		,,	*b*
,,	11		197	*b*
,,	12		,,	*b*
,,	13		,,	*b*
,,	16		,,	*b*
,,	18		198	*b*
,,	19		,,	*b*
XXV.	2		20	*b*
,,	3		22	*b*
,,	4		,,	*b*
,,	5		23	*b*
,,	6		,,	*b*
,,	7	1	,,	*b*
,,	,,	2	,,	*b*
,,	,,	3	,,	*b*
,,	,,	4	,,	*b*
,,	,,	5	24	*b*
,,	,,	6	,,	*b*
,,	,,	7	,,	*b*
,,	,,	8	25	*b*
,,	,,	9	,,	*b*
,,	,,	10	,,	*b*
,,	,,	11	,,	*b*

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XXV.	7	12	25	b
„	„	13	26	b
„	„	14	„	b
„	8		56	b
„	9		30	b
„	10		51	b
„	11		26	b
„	„		28	b
„	12		„	b
„	13		20	b
„	14		31	b
„	„		57	b
„	15		„	b
„	16		282	b
„	„		30	b
„	„		410	a
„	17		30	b
„	19		27	b
„	20		„	b
„	21		30	b
„	22		27	b
„	23		20	b
„	24		27	b
„	25		„	b
„	26		20	b
„	28		6	b
„	29		336	b
„	„		73	a
„	30	1	75	a
„	„	2	76	a
„	„	3	„	a
„	31		„	a
„	32		77	a
„	33		84	a
„	34		85	a
„	35		86	a
„	„	1	„	a
„	„	2	„	a
„	„	3	87	a
„	„	4	„	a
„	36		„	a
„	37		88	a
„	„	1	89	a
„	„	2	90	a
„	„	3	91	a

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XXV.	37	4	91	a
„	38	1	92	a
„	„	2	„	a
„	„	3	93	a
„	39		„	a
XXVI.	12		193	a
„	17		410	a
„	18		416	a
„	19		414	a
„	20		415	a
„	21		416	a
„	22		„	a
„	23		„	a
„	24		413	a
„	25		414	a
„	26		419	a
„	27		423	a
„	28		414	a
XXVII.	1		257	a
„	2	1	„	a
„	„	2	„	a
„	„	3	258	a
„	„	4	„	a
„	„	5	„	a
„	„	6	„	a
„	„	7	259	a
„	„	8	„	a
„	„	9	„	a
„	„	10	„	a
„	„	11	„	a
„	„	12	263	a
„	3		„	a
„	4		264	a
„	5		„	a
„	6		259	a
„	„		265	a
„	7		266	a
„	8		„	a
„	9		267	a
„	10		„	a
„	11		268	a
„	13		„	a
„	14	1	269	a
„	„	2	„	a
„	15	1	270	a

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XXVII.	15	2	273	*a*
„	„	3	274	*a*
„	„	4	275	*a*
„	16	1	272	*a*
„	„	2	273	*a*
„	17	1	276	*a*
„	„	2	277	*a*
„	„	3	„	*a*
„	„	4	278	*a*
„	18	1	279	*a*
„	„	2	280	*a*
„	„	3	„	*a*
„	„	4	„	*a*
„	20		281	*a*
„	21		282	*a*
„	22		225	*a*
„	23		229	*a*
„	24		„	*a*
„	25		230	*a*
„	26		238	*a*
„	27		„	*a*
„	28		242	*a*
„	30	1	244	*a*
„	„	2	„	*a*
„	„	3	„	*a*
„	32		246	*a*
„	33		248	*a*
„	34		„	*a*
„	35		249	*a*
„	36		„	*a*
„	37		250	*a*
„	38		„	*a*
„	39		251	*a*
„	40		252	*a*
„	41		„	*a*
„	42		253	*a*
„	44		„	*a*
„	45		254	*a*
„	46		„	*a*
„	48		255	*a*
„	49		256	*a*
„	51		„	*a*
„	52		282	*a*
„	53	12	303	*a*
XXVIII.	2	1	375	*a*

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Reg.	Sect.	Cl.	Page.	
XXVIII.	2	2	376	*a*
„	3		386	*a*
„	4		„	*a*
„	5		374	*a*
„	6		378	*a*
„	7		381	*a*
„	8		379	*a*
„	9		393	*a*
„	10		388	*a*
„	11		387	*a*
„	12		388	*a*
„	13		„	*a*
„	14		„	*a*
„	15		381	*a*
„	16		„	*a*
„	17	1	382	*a*
„	„	2	383	*a*
„	18		„	*a*
„	19	1	384	*a*
„	„	2	385	*a*
„	„	3	„	*a*
„	20	1	399	*a*
„	„	2	402	*a*
„	„	3	396	*a*
„	21		402	*a*
„	22		403	*a*
„	23		„	*a*
„	24		„	*a*
„	25		374	*a*
„	26		377	*a*
„	27	1	396	*a*
„	„	2	395	*a*
„	„	3	394	*a*
„	„	4	396	*a*
„	28		376	*a*
„	29		377	*a*
„	30		405	*a*
„	31		406	*a*
„	32	1	344	*a*
„	„	2	345	*a*
„	„	3	346	*a*
„	„	4	358	*a*
„	„	5	360	*a*
„	„	6	365	*a*
„	„	7	367	*a*

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XXVIII.	32	8	368	*a*
„	33		364	*a*
„	34		362	*a*
„	35		363	*a*
„	36		377	*a*
„	37		361	*a*
„	38		372	*a*
XXX.	2		302	*a*
„	3		304	*a*
„	4		303	*a*
„	5		„	*a*
„	6		306	*a*
„	7	1	„	*a*
„	„	2	„	*a*
„	9		300	*a*
„	10		301	*a*
„	11		309	*a*
„	12		298	*a*
XXXII.	2		243	*b*
„	3		„	*b*
„	4		244	*b*
„	5		„	*b*
„	6		245	*b*
„	7		255	*b*
XXXIII.	2	1	58	*b*
„	3		59	*b*
„	4		„	*b*
„	5		60	*b*
„	6		„	*b*
„	7		„	*b*
„	8		„	*b*
XXXIV.	2	1	286	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	3		„	*b*
„	4		„	*b*
„	5		„	*b*
„	6		„	*b*
„	7		287	*b*
„	8		„	*b*
„	9		289	*b*
„	10		„	*b*
„	11		286	*b*
„	12		291	*b*
„	13		292	*b*

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XXXIV.	14		292	*b*
„	15		„	*b*
XXXV.	20		288	*a*
XLII.	2	1	143	*b*
„	„	2	„	*b*
„	3		„	*b*
„	4		„	*b*
„	5		144	*b*
„	6		„	*b*
„	7	1	„	*b*
„	„	2	145	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	146	*b*
„	8		147	*b*
„	9		„	*b*
„	10		148	*b*
„	11		„	*b*
„	12		149	*b*
„	13		„	*b*
„	16	1	155	*b*
„	„	2	156	*b*
„	17		157	*b*
„	18		„	*b*
„	19		158	*b*
„	20		„	*b*
„	21		154	*b*
„	22		„	*b*
„	23		„	*b*
„	24	1	158	*b*
„	„	2	„	*b*
„	„	3	159	*b*
„	„	4	„	*b*
„	„	5	„	*b*
„	„	6	„	*b*
„	„	7	„	*b*
„	25		160	*b*
„	26	1	151	*b*
„	„	2	„	*b*
„	„	3	152	*b*
„	27		154	*b*
„	28		161	*b*
„	29		148	*b*
„	31		166	*b*
„	32	1	„	*b*

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XLII.	32	2	167	b
„	„	3	„	b
„	„	4	168	b
„	33		„	b
„	34		172	b
„	35		169	b
„	36		170	b
„	37		172	b
„	38		171	b
„	39		172	b
„	40		165	b
„	41		166	b
„	42		163	b
„	43		„	b
„	44		164	b
XLIV.	8		365	b
„	9		„	b
„	10		366	b
„	11		„	b
„	12		„	b
„	13		367	b
„	14		„	b
„	15		„	b
XLV.	17	1	83	a
„	„	2	„	a
XLVII.	2	1	308	a
„	„	3	296	a
„	3		297	a
„	„		428	a
„	„		304	a
„	4		298	a
„	„		304	a
„	5		202	a
LII.	2		96	b
„	3		97	b
„	4		„	b
„	5	1	82	a
„	„	1	134	b
„	„	2	82	a
„	„	„	134	b
„	„	3	82	a
„	„	„	134	b
„	„	4	83	a
„	„	„	135	b
„	„	5	83	a

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„	6		119	b
„	7		98	b
„	„		99	b
„	8		100	b
„	9	1	„	b
„	„	2	101	b
„	„	3	102	b
„	„	4	„	b
„	„	5	„	b
„	„	6	103	b
„	10		„	b
„	11		„	b
„	12		105	b
„	13		106	b
„	14		107	b
„	15		„	b
„	16	1	112	b
„	„	2	113	b
„	17		114	b
„	18		„	b
„	19		104	b
„	„		108	b
„	20		„	b
„	21		„	b
„	22		115	b
„	23		„	b
„	24		109	b
„	25		110	b
„	26		„	b
„	27		„	b
„	28		111	b
„	29		„	b
„	30		„	b
„	31		112	b
„	32		118	b
„	33		112	b
„	34		104	b
„	35		„	b
„	36	1	116	b
„	„	2	117	b
„	37		„	b
„	38		119	b
„	39		„	b
„	40		117	b

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„	3		„	*b*
„	4		„	*b*
„	5		„	*b*
„	6		„	*b*
„	7		212	*b*
„	8		„	*b*
„	9	1	„	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	216	*b*
„	„	6	„	*b*
„	„	7	218	*b*
„	„	8	212	*b*
„	„	9	218	*b*
„	„	10	219	*b*
„	„	11	„	*b*
„	„	12	„	*b*
„	„	13	213	*b*
„	„	14	219	*b*
„	„	15	220	*b*
„	„	16	„	*b*
„	„	17	213	*b*
„	10		„	*b*
„	11		„	*b*
„	12		219	*b*
„	13		214	*b*
„	14		„	*b*
„	15		„	*b*
„	16		„	*b*
„	17		211	*b*
„	18		214	*b*
„	19		215	*b*
„	20		216	*b*
„	21	1	„	*b*
„	„	2	„	*b*
„	27		204	*b*
V.	3		45	*b*
„	10		„	*b*
„	12		46	*b*

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V.	13		47	*b*
„	14		„	*b*
„	15		48	*b*
„	16		49	*b*
„	17		50	*b*
„	18		„	*b*
„	19		„	*b*
„	20		53	*b*
„	21		54	*b*
„	22		„	*b*
„	23		53	*b*
„	24		52	*b*
„	25		21	*b*
„	26		„	*b*
VI.	3		598	*b*
„	4		599	*b*
„	5		„	*b*
„	6		600	*b*
„	7		„	*b*
„	9		„	*b*
„	10		„	*b*
„	11		„	*b*
„	12		„	*b*
„	13		601	*b*
„	14		„	*b*
„	15		„	*b*
„	16		602	*b*
„	18		„	*b*
„	19		„	*b*
XI.	3		336	*b*
„	4		337	*b*

1805.

Reg.	Sect.	Cl.	Page.	
II.	4	1	349	*a*
„	„	2	„	*a*
„	5		245	*b*
V.	2		94	*a*
„	3		„	*a*
„	4		„	*a*
„	5		„	*a*
„	6		95	*a*
„	7		„	*a*
VI.	40	1	337	*b*

1805.

Reg.	Sect.	Cl.	Page.	
VI.	40	2	338	*b*
„	„	3	339	*b*
„	„	4	„	*b*
„	41		„	*b*
VIII.	18	2	257	*a*
„	„	3	78	*a*
„	29	2	109	*b*
„	„	3	118	*b*
„	„	4	„	*b*
„	„	5	109	*b*
„	„	6	„	*b*
IX.	1		109	*a*
„	2		„	*a*
„	3		110	*a*
„	4		111	*a*
„	5		„	*a*
„	6		„	*a*
„	7		„	*a*
„	8		112	*a*
„	9		„	*a*
„	10		„	*a*
„	11		„	*a*
„	12		113	*a*
„	13		„	*a*
„	14		114	*a*
„	15		„	*a*
„	16		„	*a*
„	17		„	*a*
„	18		115	*a*
„	19		„	*a*
„	20		„	*a*
„	21		„	*a*
„	22		116	*a*
„	23		„	*a*
„	24		117	*a*
„	25	1	118	*a*
„	„	2	„	*a*
„	„	3	119	*a*
„	„	4	„	*a*
„	26		„	*a*
XII.	1		128	*a*
„	2		„	*a*
„	3		129	*a*
„	4		„	*a*
„	5		132	*a*

1805—1806.

Reg.	Sect.	Cl.	Page.	
XII.	6		133	*a*
„	10		172	*b*
„	11		173	*b*
„	13		133	*a*
„	30		188	*b*
„	31		340	*b*
„	33		134	*a*
„	34		„	*a*
„	35	1	„	*a*
„	„	2	„	*a*
„	„	3	„	*a*
„	36		„	*a*
„	37		135	*a*
XIV.	9	1	287	*b*
„	„	2	„	*b*
„	„	3	288	*b*
„	„	4	„	*b*
„	„	5	„	*b*
„	„	6	292	*b*
XVII.	2		133	*b*
„	3		„	*b*
„	4		„	*b*
„	5		„	*b*

1806.

VI.	2		368	*b*
„	3		„	*b*
„	4		„	*b*
„	5	1	„	*b*
„	„	2	369	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	„	*b*
„	„	6	„	*b*
„	6		370	*b*
„	7		„	*b*
„	8		„	*b*
„	9		„	*b*
„	10		„	*b*
„	11		367	*b*
„	12	1	371	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	„	4	„	*b*

1806.

Reg.	Sect.	Cl.	Page.	
VI.	12	5	372	*b*
„	„	6	„	*b*
„	„	7	„	*b*
„	13		„	*b*
XI.	2		314	*b*
„	3	1	„	*b*
„	„	2	315	*b*
„	4	1	316	*b*
„	„	2	317	*b*
„	„	3	„	*b*
„	5	1	„	*b*
„	„	2	318	*b*
„	6		„	*b*
„	7		319	*b*
„	8		„	*b*
XVII.	2		285	*b*
„	3		„	*b*
„	4		„	*b*
„	5		„	*b*
„	6		289	*b*
„	7		293	*b*
„	8		294	*b*
XVIII.	1		342	*b*
„	2	1	„	*b*
„	„	2	343	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	„	*b*
„	„	6	„	*b*
„	3	1	„	*b*
„	„	2	344	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	„	*b*
„	4		„	*b*
„	5		„	*b*
„	6		„	*b*
„	7		„	*b*
„	8		345	*b*
„	9		„	*b*
XXI.	2		259	*a*
„	3		260	*a*
„	4		„	*a*
„	5		261	*a*
XXII.	2		197	*b*

1806—1807—1808.

Reg.	Sect.	Cl.	Page.	
XXII.	3		185	*b*
„	4		„	*b*
„	5		198	*b*
„	6		199	*b*
„	7		„	*b*
„	8		„	*b*
„	9		202	*b*
„	10		„	*b*
„	11		203	*b*
„	12		„	*b*

1807.

VII.	2		58	*a*
„	3		„	*a*
„	4		„	*a*
„	5		59	*a*
„	6		„	*a*
IX.	19		278	*b*
X.	2		95	*a*
„	3		96	*a*
„	4		„	*a*
„	5		„	*a*
„	„		135	*a*
„	6		136	*a*
XIV.	2	2	457	*a*
„	14	1	261	*a*
„	„	2	„	*a*
„	15		262	*a*

1808.

IV.	2		74	*b*
„	3		„	*b*
„	4		„	*b*
„	5		„	*b*
„	6		75	*b*
„	7		„	*b*
„	8		76	*b*
„	9		„	*b*
„	10		„	*b*
„	11		„	*b*
„	12		„	*b*
V.	1		458	*a*
„	2		459	*a*

1808—1809—1810.

Reg.	Sect.	Cl.	Page.	
V.	3		461	*a*
„	4		462	*a*
VI.	2		136	*a*
„	3		„	*a*
„	4		„	*a*
XI.	1		217	*b*
„	2		„	*b*
„	3		„	*b*
„	4		218	*b*
XIII.	11	4	207	*a*

1809.

VIII.	2		45	*b*
„	3		„	*b*
„	4	2	52	*b*
„	10	1	51	*b*
„	„	2	52	*b*
„	„	3	„	*b*
„	„	4	„	*b*

1810.

VII.	1		346	*b*
„	2		„	*b*
„	3		„	*b*
„	4		„	*b*
„	5		„	*b*
„	6		347	*b*
IX.	18	3	603	*b*
„	„	5	602	*b*
X.	3	2	607	*b*
„	„	3	„	*b*
„	4		608	*b*
„	9	2	„	*b*
XVII.	3		603	*b*
„	4		„	*b*
„	5		„	*b*
„	6		„	*b*
„	7		604	*b*
„	8		608	*b*
XIX.	1		298	*b*
„	2		299	*b*

1810—1811.

Reg.	Sect.	Cl.	Page.	
XIX.	3		299	*b*
„	4		„	*b*
„	5		„	*b*
„	6		„	*b*
„	7		300	*b*
„	8		„	*b*
„	9		„	*b*
„	10		„	*b*
„	11		„	*b*
„	12		„	*b*
„	13		301	*b*
„	14		„	*b*
„	15		„	*b*
„	16		302	*b*

1811.

II.	2		220	*b*
„	3		„	*b*
VI.	1		332	*b*
„	2		333	*b*
IX.	2		446	*a*
„	3		„	*a*
„	4		447	*a*
„	5		„	*a*
„	6		„	*a*
„	7		448	*a*
„	8		„	*a*
„	9		„	*a*
„	10		449	*a*
„	11		„	*a*
„	12		„	*a*
„	13		450	*a*
„	14		„	*a*
„	15		„	*a*
„	16		451	*a*
„	17		„	*a*
„	18		„	*a*
XI.	3		430	*a*
„	4	1	„	*a*
„	„	2	„	*a*
XIII.	2		11	*b*
„	3		„	*b*
„	4		„	*b*
„	5		12	*b*

24129

1812.

Reg.	Sect.	Cl.	Page.	
	1812.			
V.	2		307	*a*
„	3		306	*a*
„	4		203	*a*
„	5		204	*a*
„	6		„	*a*
„	7		„	*a*
„	8		205	*a*
„	9		„	*a*
„	10		„	*a*
„	11		„	*a*
„	13		380	*a*
„	14		386	*a*
„	15		390	*a*
„	16		391	*a*
„	17		392	*a*
„	18		393	*a*
„	19		401	*a*
„	20		403	*a*
„	21		404	*a*
„	22		„	*a*
„	23		„	*a*
„	24		462	*a*
„	25		463	*a*
„	26		612	*b*
„	27		„	*b*
IX.	1		97	*a*
„	2		„	*a*
„	3		„	*a*
„	4		„	*a*
„	5		98	*a*
X.	1		120	*a*
„	2		121	*a*
„	3		„	*a*
„	4		122	*a*
„	5		„	*a*
XIV.	2		308	*a*
„	3		„	*a*
„	4		305	*a*
XVIII.	2		307	*a*
„	3	2	305	*a*
XX.	2	1	179	*b*
„	„	2	180	*b*
„	„	3	„	*b*

1812—1813.

Reg.	Sect.	Cl.	Page.	
XX.	2	4	180	*b*
„	„	5	„	*b*
„	3	1	279	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	„	4	280	*b*
„	„	5	„	*b*
„	„	6	„	*b*
„	„	7	„	*b*
„	„	8	„	*b*
	1813.			
I.	2	1	137	*a*
„	„	2	„	*a*
„	„	3	„	*a*
II.	2		56	*b*
„	3		„	*b*
„	4		„	*b*
VI.	2	1	251	*b*
„	„	2	„	*b*
„	3	1	„	*b*
„	„	2	252	*b*
„	„	3	„	*b*
„	4		„	*b*
„	5	1	253	*b*
„	„	2	„	*b*
„	„	3	254	*b*
X.	3	1	390	*b*
„	„	2	„	*b*
„	„	3	391	*b*
„	„	4	392	*b*
„	„	5	„	*b*
„	4		„	*b*
„	5		„	*b*
„	6		393	*b*
„	7		394	*b*
„	8		395	*b*
„	9		„	*b*
„	10		„	*b*
„	11		396	*b*
„	12		„	*b*
„	13	1	„	*b*
„	„	2	397	*b*
„	„	3	„	*b*

1813.

Reg.	Sect.	Cl.	Page.	
X.	14	1	397	b
,,	,,	2	,,	b
,,	,,	3	,,	b
,,	,,	4	,,	b
,,	,,	5	400	b
,,	,,	6	,,	b
,,	,,	7	401	b
,,	,,	8	,,	b
,,	15	1	,,	b
,,	,,	2	,,	b
,,	16	1	,,	b
,,	,,	2	,,	b
,,	17	1	402	b
,,	,,	2	,,	b
,,	18	1	,,	b
,,	,,	2	403	b
,,	,,	3	,,	b
,,	,,	4	,,	b
,,	,,	5	,,	b
,,	,,	6	,,	b
,,	19	1	,,	b
,,	,,	2	404	b
,,	,,	3	,,	b
,,	,,	4	,,	b
,,	,,	5	,,	b
,,	20	1	384	b
,,	,,	2	,,	b
,,	21		405	b
,,	22	1	,,	b
,,	,,	2	406	b
,,	,,	3	,,	b
,,	,,	4	,,	b
,,	,,	5	,,	b
,,	,,	6	407	b
,,	,,	7	,,	b
,,	,,	8	,,	b
,,	,,	9	,,	b
,,	23		408	b
,,	24	1	,,	b
,,	,,	2	,,	b
,,	,,	3	,,	b
,,	,,	4	,,	b
,,	,,	5	,,	b
,,	25	1	409	b
,,	,,	2	,,	b

1813—1814.

Reg.	Sect.	Cl.	Page.	
X.	25	3	409	b
,,	,,	4	,,	b
,,	,,	5	,,	b
,,	26		410	b
,,	27		,,	b
,,	28		,,	b
,,	29		411	b
,,	31		389	b
,,	32		,,	b
XI.	2		200	b
,,	3	1	,,	b
,,	,,	2	,,	b
,,	4		,,	b
,,	5	2	201	b
,,	,,	3	,,	b
,,	6		,,	b
XVII.	3	1	610	b
,,	,,	2	32	b
,,	4	1	33	b
,,	,,	2	,,	b
,,	5	1	,,	b
,,	,,	2	,,	b
,,	,,	3	34	b
,,	,,	4	,,	b
,,	6	1	,,	b
,,	,,	2	35	b
,,	7		,,	b
,,	8		,,	b
,,	9		36	b
,,	10		,,	b
,,	11		,,	b
,,	12		,,	b
,,	13		37	b
,,	14		,,	b
,,	15		,,	b
,,	16		,,	b

1814.

II.	3	1	31	b
,,	,,	2	,,	b
,,	,,	3	,,	b
,,	,,	4	32	b
,,	4		,,	b
XVII.	2		15	b

1814.

Reg.	Sect.	Cl.	Page.	
XIX.	3		424	*a*
„	4	1	425	*a*
„	„	2	„	*a*
„	„	3	426	*a*
„	„	4	427	*a*
„	5		„	*a*
„	6		„	*a*
„	7		428	*a*
„	8		„	*a*
„	9		429	*a*
„	10		„	*a*
„	11		„	*a*
„	12		433	*a*
„	13	1	„	*a*
„	„	2	„	*a*
„	14		434	*a*
„	15	1	„	*a*
„	„	2	435	*a*
„	„	3	„	*a*
„	„	4	„	*a*
„	„	5	„	*a*
„	„	6	„	*a*
„	„	7	436	*a*
„	„	8	„	*a*
„	16		„	*a*
„	17	1	„	*a*
„	„	2	437	*a*
„	„	3	„	*a*
„	18		438	*a*
„	19	1	„	*a*
„	„	2	439	*a*
„	„	3	440	*a*
„	20	1	„	*a*
„	„	2	„	*a*
„	„	3	„	*a*
„	21		438	*a*
„	22		441	*a*
„	23		442	*a*
„	24		„	*a*
„	25		430	*a*
„	26		438	*a*
„	27		443	*a*
„	28		444	*a*
„	29		443	*a*
„	30		424	*a*

1814—1815—1816.

Reg.	Sect.	Cl.	Page.	
XIX.	31		444	*a*
„	32		445	*a*
„	33		431	*a*
„	34	1	„	*a*
„	„	2	„	*a*
„	35		446	*a*
XXI.	2		28	*b*
„	3		29	*b*
XXVII.	23	1	361	*a*
„	32		„	*a*
XXIX.	1		142	*a*
„	2		„	*a*
„	3		143	*a*
„	4		„	*a*
„	5		„	*a*

1815.

III.	2		137	*a*
„	3		„	*a*
„	4		„	*a*
„	5		138	*a*
„	6		„	*a*

1816.

II.	1		77	*b*
„	2		„	*b*
„	3		„	*b*
„	4		„	*b*
„	5		„	*b*
„	6		78	*b*
„	7		„	*b*
„	8		79	*b*
„	9		„	*b*
„	10		„	*b*
„	11		„	*b*
„	12		80	*b*
V.	1		„	*b*
„	2		„	*b*
„	3		„	*b*
„	4		„	*b*
„	5		81	*b*
„	6		„	*b*
„	7		„	*b*

1816. Reg.	Sect.	Cl.	Page.
V.	8		82 b
"	9		" b
"	10		" b
"	11		" b
"	12		83 b
VI.	2		138 a
"	3		" a
"	4		139 a
"	5		" a
"	6		" a
XI.	1		135 b
"	2		" b
"	3		136 b
"	4		" b
"	5		" b
"	6		" b
"	7		" b
"	8		137 b
"	9		" b
"	10		" b
"	11		" b
"	12		" b
"	13		138 b
"	14	1	" b
"	"	2	" b
"	15		" b
"	16		139 b
"	17		" b
"	18		" b
"	19	1	" b
"	"	2	" b
"	"	3	" b
"	"	4	140 b
"	20	1	" b
"	"	2	" b
XIII.	1		485 b
"	2		486 b
"	3		" b
"	4		" b
"	5		" b
"	6		" b
"	7		" b
"	8		487 b
"	9		" b
"	10		" b

1816. Reg.	Sect.	Cl.	Page.
XIII.	11		488 b
"	12		" b
"	13		489 b
"	14		" b
"	15		" b
"	16		490 b
"	17		" b
"	"		302 a
"	18		490 b
"	19		491 b
"	20		" b
"	21		" b
"	22		" b
"	23		492 b
"	24		493 b
"	25		" b
"	26		" b
"	27		494 b
"	28		495 b
"	29		" b
"	30		" b
"	31		496 b
"	32		" b
"	33		" b
"	34		497 b
"	35		" b
"	36		" b
"	37		501 b
"	38		" b
"	39		503 b
"	40		501 b
"	41		" b
"	42		502 b
"	43		503 b
"	44		" b
"	45		506 b
"	46		507 b
"	47		" b
"	48		508 b
"	49		" b
"	50		" b
"	51		509 b
"	52		" b
"	53		514 b
"	54		" b

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Reg.	Sect.	Cl.	Page.	
XIII	55		514	*b*
„	56		„	*b*
„	57		„	*b*
„	58		515	*b*
„	59		„	*b*
„	60		„	*b*
„	61		„	*b*
„	62		„	*b*
„	63		„	*b*
„	64		516	*b*
„	65		„	*b*
„	66		„	*b*
„	67		„	*b*
„	68		517	*b*
„	69		„	*b*
„	70		„	*b*
„	71		„	*b*
„	72		518	*b*
„	73		„	*b*
„	74		„	*b*
„	75		„	*b*
„	76		505	*b*
„	77		518	*b*
„	78		„	*b*
„	79		519	*b*
„	80		„	*b*
„	81		520	*b*
„	82		„	*b*
„	83		„	*b*
„	84		521	*b*
„	85		„	*b*
„	86		„	*b*
„	87		522	*b*
„	88		„	*b*
„	89		„	*b*
„	90		„	*b*
„	91		523	*b*
„	92		„	*b*
„	93		„	*b*
„	94		„	*b*
„	95		524	*b*
„	96		„	*b*
„	97		510	*b*
„	98		527	*b*
XV.	9	1	288	*a*

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Reg.	Sect.	Cl.	Page.	
XV.	9	2	290	*a*
„	„	3	„	*a*
XVI.	2		98	*a*
„	3		„	*a*
„	4		„	*a*
„	5		99	*a*
„	6		„	*a*
„	7		„	*a*
„	8		„	*a*

1817.

Reg.	Sect.	Cl.	Page.	
II.	1		83	*b*
„	2		„	*b*
V.	1		302	*b*
„	2		„	*b*
„	3		„	*b*
„	4		303	*b*
„	5		„	*b*
„	6		„	*b*
„	7		304	*b*
„	8		„	*b*
„	9		„	*b*
„	10		„	*b*
VI.	1		194	*b*
„	2	1	„	*b*
„	„	2	195	*b*
VIII.	2		38	*b*
„	3		„	*b*
„	4		39	*b*
„	5		„	*b*
„	6		40	*b*
XII.	2		61	*b*
„	3		„	*b*
„	4		62	*b*
„	5		„	*b*
„	6		„	*b*
„	7		63	*b*
„	8		„	*b*
„	9		„	*b*
„	10		64	*b*
„	11		63	*b*
„	12		64	*b*
„	13		„	*b*
„	14		65	*b*

1817.

Reg.	Sect.	Cl.	Page.	
XII.	15		65	b
„	16		„	b
„	17		66	b
„	18		70	b
„	19		„	b
„	20		„	b
„	21		71	b
„	22		67	b
„	23		„	b
„	24		„	b
„	25		68	b
„	26		„	b
„	27		„	b
„	28		71	b
„	29		„	b
„	30		72	b
„	31		„	b
„	32		„	b
„	33		61	b
„	34		70	b
„	35		71	b
„	36		„	b
XIII.	1		83	b
„	2		84	b
„	3		73	b
XV.	2		572	b
„	3		„	b
„	4		„	b
„	5		573	b
XVIII.	2	1	54	b
„	„	2	55	b
„	„	3	„	b
XIX.	15	1	346	a
„	„	2	347	a
„	„	3	„	a
„	„	4	348	a
„	16	1	356	a
„	„	2	357	a
XX.	18	2	256	b
„	„	3	„	b
„	„	4	257	b
„	„	5	„	b
„	27	1	406	a
„	„	2	„	a
„	„	3	407	a

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Reg.	Sect.	Cl.	Page.	
XX.	27	4	407	a
„	„	5	708	a
„	„	6	„	a
„	„	7	„	a
„	28	1	613	b
„	„	2	„	b
„	„	3	„	b
„	„	4	„	b
„	„	5	614	b
XXIV.	5		1	b

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I.	1		84	b
„	2		„	b
„	3		73	b
IX	2	1	122	a
„	„	2	123	a
„	„	3	„	a
„	3		„	a
„	4		„	a
„	5		124	a
X.	1		283	a
„	2		„	a
„	3		284	a
„	4		„	a
„	5	1	„	a
„	„	2	286	a
„	„	3	„	a
„	„	4	„	a
„	7		287	a
„	8		288	a
XI.	2	1	504	b
„	„	2	„	b
„	„	3	„	b
„	„	4	„	b
„	3	1	505	b
„	„	2	„	b
„	„	3	„	b
„	„	4	506	b
„	4	1	510	b
„	„	2	511	b
XIII.	2		139	a
„	3		140	a
„	4		„	

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Reg.	Sect.	Cl.	Page.	
XIII.	5		140	*a*
„	6		„	*a*

1819.

Reg.	Sect.	Cl.	Page.	
I.	4	1	85	*b*
„	„	2	73	*b*
„	„	3	85	*b*
„	„	4	„	*b*
„	„	5	„	*b*
„	„	6	73	*b*
„	5		64	*b*
„	6		62	*b*
„	7		65	*b*
IV.	1		483	*b*
„	2	1	484	*b*
„	„	2	„	*b*
„	3	1	„	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	„	*b*
VI.	2	1	359	*b*
„	„	2	„	*b*
„	3	1	„	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	4	1	360	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	5		„	*b*
„	6	1	„	*b*
„	„	2	361	*b*
„	7	1	„	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	„	4	362	*b*
„	8		„	*b*
„	9		„	*b*
„	10		363	*b*
„	11		„	*b*
„	12	1	„	*b*
„	„	2	„	*b*
„	13	1	364	*b*
„	„	2	„	*b*

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Reg.	Sect.	Cl.	Page.	
VI.	14		364	*b*
VIII.	1		323	*a*
„	2		326	*a*
„	3	1	„	*a*
„	„	2	327	*a*
„	„	3	330	*a*
„	4		327	*a*
„	5		„	*a*
„	6		328	*a*
„	7		„	*a*
„	8	1	330	*a*
„	„	2	„	*a*
„	„	3	331	*a*
„	9		„	*a*
„	10		333	*a*
„	11	1	336	*a*
„	„	2	337	*a*
„	„	3	„	*a*
„	12		„	*a*
„	13	1	335	*a*
„	„	2	„	*a*
„	„	3	„	*a*
„	„	4	„	*a*
„	14	1	334	*a*
„	„	2	329	*a*
„	15	1	338	*a*
„	„	2	„	*a*
„	„	3	339	*a*
„	16		334	*a*
„	17	1	339	*a*
„	„	2	„	*a*
„	„	3	„	*a*
„	„	4	340	*a*
„	„	5	„	*a*
„	„	6	„	*a*
„	„	7	341	*a*
„	„	8	„	*a*
„	18	1	368	*a*
„	„	2	„	*a*
„	„	3	350	*a*
„	„	„	369	*a*
„	„	4	„	*a*
„	„	5	370	*a*
„	19		348	*a*
X.	1		530	*b*

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X.	2		531	b
"	3		"	b
"	4		"	b
"	5	1	532	b
"	"	2	"	b
"	6		532	b
"	7		533	b
"	8		"	b
"	9		"	b
"	10		534	b
"	11		"	b
"	12		535	b
"	13	1	"	b
"	"	2	536	b
"	"	3	"	b
"	"	4	"	b
"	"	5	"	b
"	"	6	537	b
"	"	7	"	b
"	14		538	b
"	15		"	b
"	16		"	b
"	17		539	b
"	18		540	b
"	19		"	b
"	20	1	"	b
"	"	"	351	a
"	"	2	"	a
"	"	"	386	a
"	"	"	540	b
"	21	1	541	b
"	"	"	351	a
"	"	2	352	a
"	"	"	542	b
"	"	3	353	a
"	"	"	542	b
"	"	5	353	a
"	"	"	543	b
"	"	7	353	a
"	"	"	543	b
"	"	8	354	a
"	"	"	543	b
"	"	9	354	a
"	"	"	544	b
"	22		"	b

1819. Reg.	Sect.	Cl.	Page.	
X.	22		355	a
"	23		545	b
"	24		"	b
"	25		"	b
"	26		"	b
"	27		546	b
"	28		"	b
"	29		"	b
"	30		"	b
"	31		547	b
"	32		"	b
"	33		548	b
"	34		"	b
"	35		"	b
"	36	1	549	b
"	"	2	"	b
"	"	3	550	b
"	"	4	"	b
"	"	5	551	b
"	"	6	"	b
"	"	7	"	b
"	"	8	"	b
"	37	1	"	b
"	"	2	552	b
"	38		"	b
"	39		"	b
"	40		553	b
"	41		"	b
"	42		554	b
"	43		"	b
"	44		555	b
"	45	1	"	b
"	"	2	"	b
"	46	1	"	b
"	"	2	"	b
"	"	3	556	b
"	"	4	"	b
"	"	5	"	b
"	47		557	b
"	48		"	b
"	49	1	"	b
"	"	2	558	b
"	50		"	b
"	51		"	b
"	52		559	b

1819. Reg.	Sect.	Cl.	Page.	
X.	53		559	b
„	54		„	b
„	55		„	b
„	56		560	b
„	57		561	b
„	58		„	b
„	59		„	b
„	60	1	„	b
„	„	2	562	b
„	„	3	„	b
„	„	4	„	b
„	„	5	„	b
„	61		563	b
„	62		„	b
„	63		„	b
„	64		564	b
„	65		„	b
„	66		565	b
„	67		„	b
„	68		„	b
„	69		„	b
„	70		566	b
„	71	1	„	b
„	„	2	„	b
„	72		567	b
„	73		„	b
„	74		568	b
„	75	1	„	b
„	„	2	569	b
„	„	3	„	b
„	76		„	b
„	77		„	b
„	78		570	b
„	79		„	b
„	80		„	b
„	81		„	b
„	82		571	b
„	83		„	b
„	84		„	b
„	85		„	b
„	86		573	b
„	87		„	b
„	88		574	b
„	89	1	„	b
„	„	2	„	b

1819. Reg.	Sect.	Cl.	Page.	
X.	89	3	575	b
„	90		„	b
„	91		„	b
„	92		576	b
„	93		„	b
„	94	1	„	b
„	„	2	„	b
„	„	3	„	b
„	95		577	b
„	96		„	b
„	97		„	b
„	98		578	b
„	99		„	b
„	100		579	b
„	101		„	b
„	102		„	b
„	103		580	b
„	104		„	b
„	105		„	b
„	106		581	b
„	107		„	b
„	108		„	b
„	109		„	b
„	110		582	b
„	111		„	b
„	112		583	b
„	113		„	b
„	114		„	b
„	115		584	b
„	116		„	b
„	117	1	585	b
„	„	2	„	b
„	„	3	„	b
„	118		586	b
„	119	1	„	b
„	„	2	„	b
„	„	3	„	b
„	„	4	„	b
„	„	5	„	b
„	120		„	b
„	121		587	b
„	122		„	b
„	123		„	b
„	124		588	b
„	125		„	b

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Reg.	Sect.	Cl.	Page.	
X.	126		589	*b*
	1820.			
I.	2	1	332	*a*
„	„	2	„	*a*
„	„	3	333	*a*
III.	2		320	*b*
„	3		„	*b*
	1821.			
I.	1		222	*b*
„	2		227	*b*
„	3	1	„	*b*
„	„	2	228	*b*
„	„	3	229	*b*
„	„	4	„	*b*
„	„	5	230	*b*
„	„	6	„	*b*
„	„	7	231	*b*
„	„	8	232	*b*
„	4	1	„	*b*
„	„	2	233	*b*
„	5	1	„	*b*
„	„	2	„	*b*
„	„	3	234	*b*
„	„	4	235	*b*
„	6	1	„	*b*
„	„	2	236	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	„	*b*
„	„	6	„	*b*
„	7		237	*b*
„	8		„	*b*
„	9		„	*b*
„	10	1	„	*b*
„	„	2	238	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	239	*b*
„	„	6	„	*b*
„	„	7	„	*b*
„	„	8	240	*b*

1821—1822.

Reg.	Sect.	Cl.	Page.	
I.	11	1	233	*b*
„	„	2	240	*b*
„	„	3	241	*b*
„	12	1	„	*b*
„	„	2	„	*b*
„	„	3	242	*b*
II.	4		342	*a*
„	10	2	356	*a*
„	„	„	248	*b*
„	„	3	356	*a*
„	„	„	248	*b*
IV.	2		89	*b*
„	3	1	„	*b*
„	„	2	„	*b*
„	4	1	91	*b*
„	„	2	„	*b*
„	5		„	*b*
„	6	1	„	*b*
„	„	2	92	*b*
„	7		„	*b*
„	8	1	19	*b*
„	„	2	„	*b*
„	„	3	41	*b*
„	„	4	42	*b*
„	„	5	„	*b*
	1822.			
III.	4	1	1	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	5	1	2	*b*
„	„	2	„	*b*
„	„	3	7	*b*
„	„	4	„	*b*
„	„	5	„	*b*
„	„	6	8	*b*
„	„	7	3	*b*
VI.	2		96	*b*
„	„		118	*b*
„	3	1	121	*b*
„	„	2	„	*b*
„	4		99	*b*
„	„		120	*b*
VII.	2	1	100	*a*

1822. Reg.	Sect.	Cl.	Page.	
VII.	2	2	100	a
„	„	3	„	a
„	„	4	101	a
„	„	5	„	a
„	„	6	„	a
„	3		102	a
„	4		„	a
„	5	1	103	a
„	„	2	„	a
„	„	3	104	a
„	6	1	144	a
„	„	2	„	a
„	„	3	„	a
„	„	4	145	a
„	7	1	„	a
„	„	2	„	a
„	„	3	146	a
„	„	4	„	a
„	„	5	„	a
„	„	6	„	a
„	8		147	a
„	9	1	„	a
„	„	2	148	a
„	„	3	149	a
„	10	1	„	a
„	„	2	150	a
„	„	3	„	a
„	„	4	151	a
„	„	5	„	a
„	„	6	„	a
„	„	7	152	a
„	„	8	„	a
„	„	9	153	a
„	„	10	„	a
„	11	1	„	a
„	12	1	154	a
„	„	2	„	a
„	13		155	a
„	14	1	„	a
„	„	2	156	a
„	„	3	„	a
„	„	4	173	a
„	„	„	249	b
„	„	5	174	a
„	„	„	249	b

1822. Reg.	Sect.	Cl.	Page.	
VII.	15		157	a
„	16		„	a
„	17		158	a
„	18		162	a
„	19	1	165	a
„	„	2	166	a
„	20	1	159	a
„	„	2	160	a
„	„	3	161	a
„	21		163	a
„	22		164	a
„	23	1	„	a
„	„	2	174	a
„	„	3	167	a
„	„	„	359	a
„	24	1	162	a
„	„	2	167	a
„	„	3	„	a
„	25		164	a
„	26		„	a
„	27		165	a
„	28		„	a
„	29	1	168	a
„	„	2	169	a
„	„	3	„	a
„	„	4	„	a
„	„	5	„	a
„	„	6	174	a
„	30		163	a
„	31	1	174	a
„	„	„	363	a
„	„	2	174	a
„	32		163	a
„	33		169	a
„	„	2	170	a
„	„	3	„	a
„	34	1	171	a
„	„	2	172	a
„	„	3	„	a
„	„	1	250	b
„	„	2	251	b
„	„	3	„	b
XI.	2	2	175	a
„	3	„	119	b
„	„	2	176	a

1822.

Reg.	Sect.	Cl.	Page.	
XI.	3	3	176	*a*
„	„	„	414	*a*
„	„	„	444	*a*
„	„	4	179	*a*
„	4		178	*a*
„	5	1	„	*a*
„	„	3	179	*a*
„	„	4	„	*a*
„	„	5	„	*a*
„	7	2	178	*a*
„	„	4	179	*a*
„	„	5	„	*a*
„	8	1	180	*a*
„	„	2	„	*a*
„	9		181	*a*
„	10	1	„	*a*
„	„	2	182	*a*
„	„	3	„	*a*
„	11		„	*a*
„	12		183	*a*
„	13		„	*a*
„	14	1	184	*a*
„	„	2	„	*a*
„	„	3	„	*a*
„	15	1	185	*a*
„	„	2	„	*a*
„	16		176	*a*
„	17		183	*a*
„	18	1	185	*a*
„	19		186	*a*
„	20	1	187	*a*
„	„	2	„	*a*
„	„	3	„	*a*
„	21	1	188	*a*
„	„	3	189	*a*
„	22		„	*a*
„	23		„	*a*
„	24	1	190	*a*
„	„	2	„	*a*
„	„	3	„	*a*
„	25		191	*a*
„	26		„	*a*
„	27	1	192	*a*
„	„	2	„	*a*
„	28	1	194	*a*

1822—1823.

Reg.	Sect.	Cl.	Page.	
XI.	28	2	194	*a*
„	„	3	195	*a*
„	„	4	„	*a*
„	29		206	*a*
„	30		207	*a*
„	31		208	*a*
„	32		209	*a*
„	33		„	*a*
„	34		198	*a*
„	35		199	*a*
„	36		290	*a*
„	37	1	„	*a*
„	„	2	291	*a*
„	38		„	*a*
„	39		242	*b*

1823.

I.	2	1	228	*b*
„	„	2	231	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	239	*b*
VI.	1		269	*b*
„	2		271	*b*
„	3	1	„	*b*
„	„	2	„	*b*
„	„	3	272	*b*
„	„	4	„	*b*
„	„	5	„	*b*
„	„	6	273	*b*
„	„	7	„	*b*
„	„	8	„	*b*
„	„	9	„	*b*
„	4	1	274	*b*
„	„	2	„	*b*
„	5	1	„	*b*
„	„	2	275	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	6		„	*b*
„	7		276	*b*
„	8		„	*b*
VII.	2	1	610	*b*
„	„	2	„	*b*

1823—1824.

Reg.	Sect.	Cl.	Page.	
VII.	2	3	610	b

1824.

Reg.	Sect.	Cl.	Page.	
I.	2		305	b
„	3	1	„	b
„	„	2	306	b
„	4	1	„	b
„	„	2	„	b
„	„	3	307	b
„	„	4	„	b
„	„	5	„	b
„	„	6	„	b
„	„	7	308	b
„	„	8	„	b
„	5		309	b
„	6	1	„	b
„	„	2	„	b
„	„	3	310	b
„	„	4	311	b
„	„	5	„	b
„	7	1	312	b
„	„	2	„	b
„	„	3	313	b
„	„	4	„	b
„	„	5	„	b
„	8		„	b
„	9	1	590	b
„	„	2	„	b
„	„	3	591	b
„	„	4	„	b
„	„	5	„	b
„	„	6	„	b
„	„	7	592	b
„	„	8	„	b
„	„	9	„	b
„	„	10	„	b
„	„	11	„	b
„	„	12	593	b
„	„	13	„	b
„	10	1	„	b
„	„	2	594	b
„	„	3	595	b
„	„	4	„	b
„	11		„	b

1824.

Reg.	Sect.	Cl.	Page.	
I.	12		596	b
„	13		„	b
„	14	1	597	b
„	„	2	„	b
„	„	3	„	b
„	„	4	598	b
„	15		„	b
IV.	5		175	b
„	6		„	b
„	7		176	b
V.	2		276	b
VII.	2	1	384	b
„	„	2	385	b
„	„	3	„	b
„	„	4	„	b
„	„	5	„	b
„	„	6	386	b
„	3	1	„	b
„	„	2	387	b
„	4	1	„	b
„	„	2	„	b
„	„	3	„	b
„	„	4	„	b
„	5	1	388	b
„	„	2	„	b
„	6		390	b
„	7	1	411	b
„	„	2	„	b
„	„	3	„	b
„	„	4	412	b
„	8	1	404	b
„	„	2	405	b
„	9	1	„	b
„	„	7	413	b
„	„	2	390	b
„	„	3	„	b
„	„	4	391	b
„	„	5	„	b
„	10	1	388	b
„	„	2	„	b
„	11		„	b
„	12	1	413	b
„	„	2	„	b
„	13	1	396	b
„	„	2	413	b

1824.

Reg.	Sect.	Cl.	Page.	
VII.	14		414	*b*
„	15		402	*b*
„	16	2	414	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	17	1	415	*b*
„	„	„	502	*b*
„	„	2	415	*b*
„	„	„	502	*b*
„	18	1	498	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	499	*b*
„	„	6	„	*b*
„	„	7	500	*b*
„	„	8	„	*b*
„	„	9	„	*b*
„	19	1	525	*b*
„	„	2	„	*b*
„	20		511	*b*
„	21	1	512	*b*
„	„	2	„	*b*
„	„	3	512	*b*
„	„	4	513	*b*
„	„	5	„	*b*
„	„	6	„	*b*
„	22		507	*b*
„	23	1	494	*b*
„	„	2	„	*b*
„	24	1	525	*b*
„	„	2	526	*b*
„	„	3	„	*b*
„	„	4	„	*b*
VIII.	1		347	*b*
„	2	1	348	*b*
„	„	2	„	*b*
„	3		„	*b*
„	4		„	*b*
„	5		„	*b*
„	„	1	349	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	6	1	„	*b*
„	„	2	„	*b*

1824.

Reg.	Sect.	Cl.	Page.	
VIII.	6	3	349	*b*
„	„	4	350	*b*
„	7		„	*b*
„	8	1	„	*b*
„	„	2	351	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	352	*b*
„	„	6	„	*b*
„	„	7	„	*b*
„	„	8	„	*b*
„	9	1	353	*b*
„	„	2	„	*b*
„	10		„	*b*
„	11	1	354	*b*
„	„	2	„	*b*
„	12		355	*b*
„	13		„	*b*
„	14		„	*b*
„	15		356	*b*
„			357	*b*
IX.	2	1	125	*a*
„	„	2	„	*a*
„	„	3	„	*a*
„	„	4	126	*a*
„	„	5	„	*a*
„	3		„	*a*
„	4		127	*a*
XI.	1		258	*b*
„	2		„	*b*
„	3		259	*b*
„	4		„	*b*
„	5		„	*b*
„	6		260	*b*
XIV.	4		358	*a*
„	6		361	*a*
„	7		357	*a*
„	8		„	*a*
„	9		356	*a*
„	10		362	*a*
XV.	1		246	*b*
„	2		„	*b*
„	3		247	*b*
„	4		„	*b*
„	5		„	*b*

1824—1825.

Reg.	Sect.	Cl.	Page.	
XV.	6		247	b

1825.

Reg.	Sect.	Cl.	Page.	
V.	3	1	92	b
„	„	2	„	b
VI.	2		315	b
„	3		„	b
„	4		316	b
„	5		„	b
VII.	2	1	410	a
„	„	„	420	a
„	„	2	„	a
„	„	3	„	a
„	3	1	„	a
„	„	2	„	a
„	„	3	421	a
„	„	4	„	a
„	„	5	422	a
„	„	6	„	a
„	„	7	418	a
„	4	1	419	a
„	„	2	411	a
„	„	3	„	a
„	„	4	412	a
„	„	5	„	a
„	5	1	„	a
„	„	2	413	a
„	6		422	a
VIII.	5	1	40	b
„	„	2	„	b
„	6		41	b
IX.	2	1	158	a
„	„	2	159	a
„	„	3	„	a
„	4		282	a
„	5	10	166	a
„	9		341	b
XI.	1		295	b
„	2		296	b
„	3		„	b
„	4	1	„	b
„	„	2	297	b
„	„	3	„	b

1825—1826.

Reg.	Sect.	Cl.	Page.	
XI.	4	4	297	b
„	„	5	„	b
„	5		298	b
XIII.	1		86	b
„	2		87	b
„	3		88	b

1826.

Reg.	Sect.	Cl.	Page.	
II.	2	1	105	a
„	„	2	„	a
„	„	3	106	a
„	„	4	„	a
„	3		107	a
„	4		„	a
IV.	3		242	b
VIII.	2		512	b
„	3		514	b
X.	2		606	b
„	„		558	b
„	3		547	b
„	4		560	b
XII.	1		416	b
„	2		„	b
„	3		417	b
„	4		„	b
„	5	1	„	b
„	„	2	418	b
„	„	3	„	b
„	6	1	„	b
„	„	2	419	b
„	„	3	„	b
„	„	4	„	b
„	„	5	„	b
„	7	1	420	b
„	„	2	421	b
„	„	3	„	b
„	„	4	422	b
„	„	5	„	b
„	8	1	„	b
„	„	2	423	b
„	9	1	„	b
„	„	2	„	b
„	„	3	„	b
„	„	4	424	b

1826—1827—1828.

Reg.	Sect.	Cl.	Page.	
XII.	9	5	424	*b*
„	„	6	„	*b*
„	„	7	425	*b*
„	„	8	„	*b*
„	„	9	„	*b*
„	„	10	„	*b*
„	„	11	426	*b*
„	„	12	„	*b*
„	„	13	„	*b*
„	„	14	„	*b*
„	„	15	427	*b*
„	„	16	„	*b*
„	„	17	428	*b*
„	„	18	„	*b*
„	10	1	„	*b*
„	„	2	429	*b*
„	„	3	430	*b*
„	11	1	„	*b*
„	„	2	„	*b*
„	„	3	431	*b*
„	„	4	„	*b*
„	„	5	432	*b*
„	12	1	„	*b*
„	„	2	433	*b*
„	„	3	„	*b*
„	13		434	*b*
„	14		„	*b*
„	15		„	*b*

1827.

V.	2		254	*b*
„	3		255	*b*
„	4		„	*b*

1828.

IV.	2	4	161	*a*
VII.	2		65	*a*
„	3		„	*a*
„	4		66	*a*
„	5	1	„	*a*
„	„	2	„	*a*
„	„	3	„	*a*
„	„	4	67	*a*

1828—1829.

Reg.	Sect.	Cl.	Page.	
VII.	5	5	67	*a*
„	„	6	„	*a*
„	„	7	68	*a*
„	6	1	„	*a*
„	„	2	„	*a*
„	7		69	*a*
„	8		„	*a*
„	9		„	*a*
„	10		„	*a*
„	11		„	*a*
„	12		70	*a*
„	13		„	*a*
„	14		„	*a*
„	15		„	*a*
„	16		„	*a*
„	17		71	*a*
„	18		„	*a*
„	19		„	*a*
„	20		„	*a*
„	21		„	*a*
„	22		„	*a*
„	23		72	*a*
„	24		„	*a*
„	25		„	*a*
„	26		„	*a*

1829.

I.	2		13	*b*
„	4	1	15	*b*
„	„	2	„	*b*
„	„	3	16	*b*
„	6		„	*b*
„	8		„	*b*
„	9	1	„	*b*
„	10	1	17	*b*
„	„	„	227	*b*
„	„	„	237	*b*
„	„	2	17	*b*
„	„	„	228	*b*
„	„	3	18	*b*
„	10	„	240	*b*
II.	2		247	*b*
„	3		248	*b*
„	4		„	*b*

1829.

Reg.	Sect.	Cl.	Page.	
III.	6		28	*b*
IX.	3	2	346	*a*
X.	1		446	*b*
„	2		„	*b*
„	3	1	„	*b*
„	„	2	447	*b*
„	„	3	„	*b*
„	4		„	*b*
„	5	1	448	*b*
„	„	2	„	*b*
„	6	1	„	*b*
„	„	2	449	*b*
„	„	3	„	*b*
„	7		„	*b*
„	8	1	450	*b*
„	„	82	„	*b*
„	9	1	„	*b*
„	„	2	„	*b*
„	10	1	„	*b*
„	„	2	451	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	452	*b*
„	„	6	„	*b*
„	„	7	453	*b*
„	„	8	„	*b*
„	„	9	„	*b*
„	„	10	„	*b*
„	„	11	454	*b*
„	„	12	„	*b*
„	„	13	455	*b*
„	11	1	„	*b*
„	„	2	456	*b*
„	„	3	„	*b*
„	„	4	457	*b*
„	„	5	„	*b*
„	„	6	„	*b*
„	12	1	458	*b*
„	„	2	„	*b*
„	13	1	459	*b*
„	„	2	460	*b*
„	14	1	„	*b*
„	„	2	„	*b*
„	„	3	461	*b*
„	„	4	„	*b*

1829—1830.

Reg.	Sect.	Cl.	Page.	
X.	14	5	461	*b*
„	15	1	„	*b*
„	„	2	462	*b*
„	16		„	*b*
„	17		„	*b*
„	18	1	462	*b*
„	„	2	463	*b*
„	19		„	*b*
„	20		464	*b*
„	21		„	*b*
XI.	2	1	373	*b*
„	„	2	„	*b*
XIII.	5		609	*b*
XVI.	3	1	604	*b*
„	„	2	„	*b*
„	4		„	*b*
„	5		605	*b*
„	6		„	*b*
„	7		„	*b*
„	8		607	*b*
„	9		606	*b*
„	10		„	*b*
XVIII.	3	1	234	*b*
„	„	2	„	*b*
„	„	3	„	*b*
„	„	4	„	*b*
„	„	5	235	*b*

1830.

V.	1		276	*b*
„	2		277	*b*
„	3		„	*b*
„	4		278	*b*
„	5	1	„	*b*
„	„	2	279	*b*
VII.	3		177	*a*
„	4		„	*a*
„	„		190	*a*
„	5		177	*a*
„	6		178	*a*
„	7	1	188	*a*
„	„	2	189	*a*
„	8		200	*a*

1831.				
Reg.	Sect.	Cl.	Page.	
	1831.			
V.	6	2	123	*b*
"	"	3	"	*b*
"	"	4	"	*b*
VIII	2		343	*a*
"	3		"	*a*
"	4		355	*a*
"	5		343	*a*
"	6		362	*a*
"	7		358	*a*
"	8		342	*a*
"	9	1	357	*a*
"	"	2	"	*a*
"	10		349	*a*
"	11		342	*a*
"	"		406	*a*
"	12		392	*a*
"	13		343	*a*
"	14		364	*a*
"	15		"	*a*
"	16		"	*a*
"	17		363	*a*
"	18		372	*a*
"	19		363	*a*
"	20		359	*a*
"	21		344	*a*
X.	2		3	*b*
"	3		4	*b*
"	4		"	*b*
"	5		"	*b*
"	6		4	*b*
"	7		5	*b*
"	8		"	*b*
"	9		"	*b*
"	10		3	*b*
"	11	1	"	*b*
"	"	"	5	*b*
"	"	2	"	*b*
XI.	2		93	*b*
"	3		"	*b*
"	4		"	*b*
"	5		"	*b*
"	6		94	*b*

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	1832.			
IV.	2		553	*b*
V.	2		5	*b*
VII.	4		176	*b*
"	8		124	*b*
"	9		"	*b*
"	10		363	*a*
"	16	1	333	*a*
"	"	2	"	*a*
"	"	3	329	*a*
	1833.			
IX.	2		149	*a*
"	3		462	*a*
"	"		156	*a*
"	5		170	*a*
"	6		"	*a*
"	7		171	*a*
"	8		"	*a*
"	9		"	*a*
"	10		"	*a*
"	11		105	*a*
"	12		66	*b*
"	13		"	*b*
"	14		"	*b*
"	15		"	*b*
"	16		42	*b*
"	17		"	*b*
"	18		"	*b*
"	19		43	*b*
"	20		"	*b*
"	21		"	*b*
"	22		"	*b*
"	23		"	*b*
"	24		"	*b*
"	25		"	*b*
	1835.			
Act, No. 3.			611	*b*

REVENUE GUIDE.

CHAPTER I.

SETTLEMENT OF THE LAND REVENUE.

SECT. I.

Settlement in Bengal, Behar, and Orissa—Proclamation of 1793.

1. A new settlement of the land revenue shall be concluded for a period of ten years, to commence with the Fussily, Willaity, and Bengal year 1197, for Behar, Orissa, and Bengal respectively.—*Reg.* VIII. 1793, *Sect.* 2.

Term of settlement to be for ten years commencing with the Fussily, Willaity and Bengal years 1197.

B. B. and O.

2. It shall be at the same time notified to the proprietors of land with whom the settlement may be concluded, that the assessment fixed by the decennial settlement, will be continued after the expiration of the ten years, and remain unalterable for ever, provided such continuance shall meet with the approbation of the Honourable Court of Directors, but not otherwise.—*Reg.* VIII. 1793, *Sect.* 3.

Proprietors to be informed, it will be perpetual with the approbation of the Court of Directors, but not otherwise.

B. B. and O.

3. The following articles of the proclamation relative to the limitation of the public demand upon the lands, addressed by the Governor General in Council to the zemindars, independent talookdars, and other actual proprietors of land paying revenue to Government, in the provinces of Bengal, Behar, and Orissa, are hereby enacted into a regulation, which is to have force and effect from the 22d March 1793, the date of the proclamation.—*Reg.* I. 1793, *Sect.* 1.

B. B. and O.

4. PROCLAMATION. ART. I. In the original regulations for the decennial settlement of the public revenues of Bengal, Behar, and Orissa, passed for those provinces respectively, on the

Decennial settlement declared conditionally perma-

nent by the original regulations.

B. B. and O.

18th September 1789, the 25th November 1789, and the 10th February 1790, it was notified to the proprietors of land with or on behalf of whom a settlement might be concluded, that the jumma assessed upon their lands under those regulations, would be continued after the expiration of the ten years, and remain unalterable for ever, provided such continuance should meet with the approbation of the Honourable Court of Directors for the affairs of the East India Company, and not otherwise.—*Reg.* I. 1793, *Sect.* 2.

Governor General in Council empowered to declare the jumma assessed upon the lands under those regulations, fixed for ever.

B. B. and O.

5. ART. II. The Marquis CORNWALLIS, Knight of the most noble order of the Garter, Governor General in Council, now notifies to all zemindars, independent talookdars, and other actual proprietors of land paying revenue to Government, in the provinces of Bengal, Behar, and Orissa, that he has been empowered by the Honourable Court of Directory for the affairs of the East India Company, to declare the jumma which has been or may be, assessed upon their lands under the regulations above-mentioned, fixed for ever.—*Reg.* I. 1793, *Sect.* 3.

Jumma assessed upon the lands of proprietors with or on behalf of whom a settlement has been concluded, declared fixed for ever.

B. B. and O.

6. ART. III. The Governor General in Council accordingly declares to the zemindars, independent talookdars, and other actual proprietors of land, with or on behalf of whom a settlement has been concluded under the regulations above-mentioned, that at the expiration of the term of the settlement, no alteration will be made in the assessment which they have respectively engaged to pay, but that they, and their heirs, and lawful successors, will be allowed to hold their estates at such assessment for ever.—*Reg.* I. 1793, *Sect.* 4.

Jumma which may be hereafter agreed to by the proprietors whose lands are held khas, or let in farm, declared fixed for ever.

B. B. and O.

7. ART. IV. The lands of some zemindars, independent talookdars, and other actual proprietors of land, having been held khas, or let in farm, in consequence of their refusing to pay the assessment required of them under the regulations above-mentioned, the Governor General in Council now notifies to the zemindars, independent talookdars, and other actual proprietors of land, whose lands are held khas, that they shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which has been, or may be required of them, in conformity to the regulations above-mentioned, and that no alteration shall afterwards be made in that assessment, but that they, and their heirs, and lawful successors, shall be permitted to hold their respective estates at such assessment for ever: and he declares to the zemindars, independent talookdars, and other

actual proprietors of land, whose lands have been let in farm, that they should not regain possession of their lands, before the expiration of the period for which they have been farmed (unless the farmers shall voluntarily consent to make over to them the remaining term of their lease and the Governor General in Council shall approve of the transfer) but that at the expiration of that period, upon their agreeing to the payment of the assessment which may be required of them, they shall be reinstated, and that no alteration shall afterwards be made in that assessment, but that they, and their heirs, and lawful successors, shall be allowed to hold their respective estates at such assessment for ever.—*Reg.* I. 1793, *Sect.* 5.

Jumma at which lands belonging to Government may be transferred to individuals, declared fixed for ever.

B. B. and O.

8. ART. V. In the event of the proprietary right in lands that are, or may become, the property of Government, being transferred to individuals, such individuals, and their heirs, and lawful successors, shall be permitted to hold the lands at the assessment at which they may be transferred for ever.—*Reg.* I. 1793, *Sect.* 6.

Assessment in former times liable to variation at the discretion of Government.

B. B. and O.

9. ART. VI. It is well known to the zemindars, independent taloookdars, and other actual proprietors of land, as well as to the inhabitants of Bengal, Behar, and Orissa, in general, that from the earliest times, until the present period, the public assessment upon the lands has never been fixed, but that according to established usage and custom, the rulers of these provinces, have from time to time, demanded an increase of assessment from the proprietors of land, and that for the purpose of obtaining this increase, not only frequent investigations have been made to ascertain the actual produce of their estates, but that it has been the practice to deprive them of the management of their lands, and either to let them in farm, or to appoint officers on the part of Government to collect the assessment immediately from the ryots. The Honourable Court of Directors, considering these usages and measures to be detrimental to the prosperity of the country, have, with a view to promote the future ease and happiness of the people, authorized the foregoing declarations; and the zemindars, independent talookdars, and other actual proprietors of land, with or on behalf of whom a settlement has been, or may be, concluded, are to consider these orders fixing the amount of the assessment, as irrevocable, and not liable to alteration by any persons whom the Court of Directors may hereafter appoint to the administration of their affairs in this country.—*Reg.* I. 1793, *Sect.* 7.

Motives of the Court of Directors for abolishing this usage, and fixing the assessment, which is declared unalterable by any future Government.

Proprietors expected to improve their estates, in consequence of the profits being secured to them.

B. B. and O.

10. The Governor General in Council trusts that the proprietors of land, sensible of the benefits conferred upon them by the public assessment being fixed for ever, will exert themselves in the cultivation of their lands, under the certainty that they will enjoy exclusively the fruits of their own good management and industry, and that no demand will ever be made upon them, or their heirs, or successors, by the present, or any future Government, for an augmentation of the public assessment, in consequence of the improvement of their respective estates.—*Reg.* I. 1793, *Sect.* 7.

Conduct to be observed by the proprietors of land towards their dependant talookdars, and ryots.

B. B. and O.

11. To discharge the revenues at the stipulated periods without delay or evasion, and to conduct themselves with good faith and moderation towards their dependant talookdars and ryots, are duties at all times indispensably required from the proprietors of land, and a strict observance of those duties is now more than ever incumbent upon them, in return for the benefits which they will themselves derive from the orders now issued. The Governor General in Council therefore expects, that the proprietors of land will not only act in this manner themselves towards their dependant talookdars, and ryots, but also enjoin the strictest adherence to the same principles, in the persons whom they may appoint to collect the rents from them. He further expects, that without deviating from this line of conduct, they will regularly discharge the revenue in all seasons, and he accordingly notifies to them, that in future, no claims or applications for suspensions, or remissions, on account of drought, inundation, or other calamity of seasons, will be attended to, but that in the event of any zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be, concluded, or his or her heirs, or successors, failing in the punctual discharge of the public revenue which has been, or may be, assessed upon their lands under the above-mentioned regulations, a sale of the whole of the lands of the defaulter, or such portion of them as may be sufficient to make good the arrear, will positively, and invariably take place.—*Reg.* I. 1793, *Sect.* 7.

No claims for remissions or suspensions to be admitted on any account.

Lands of proprietors to be invariably sold for arrears.

B. B. and O.

12. ART. VII. To prevent any misconstruction of the foregoing articles, the Governor General in Council thinks it necessary to make the following declarations to the zemindars, independent talookdars, and other actual proprietors of land.—*Reg.* I. 1793, *Sect.* 8.

13. It being the duty of the ruling power to protect all classes of people, and more particularly those who from their situation are most helpless, the Governor General in Council, will, whenever he may deem it proper, enact such regulations as he may think necessary for the protection and welfare of the dependant talookdars, ryots, and other cultivators of the soil, and no zemindar, independent talookdar, or other actual proprietor of land, shall be entitled on this account to make any objection to the discharge of the fixed assessment, which they have respectively agreed to pay.—*Reg.* I. 1793, *Sect.* 8, *Cl.* 1.

Government to enact such regulations as they may think necessary for the welfare of the dependant talookdars, and cultivators, and proprietors not to withhold the revenue on that account.

B. B. and O.

14. The Governor General in Council having on the 28th July 1790, directed the sayer collections to be abolished, a full compensation was granted to the proprietors of land, for the loss of revenue sustained by them in consequence of this abolition; and he now declares, that if he should hereafter think it proper to re-establish the sayer collections, or any other internal duties, and to appoint officers on the part of Government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.—*Reg.* I. 1793, *Sect.* 8, *Cl.* 2.

All internal duties that may be hereafter established to belong exclusively to Government.

B. B. and O.

15. The Governor General in Council will impose such assessment as he may deem equitable, on all lands at present alienated and paying no public revenue, which have been, or may be, proved to be held under illegal, or invalid titles. The assessment so imposed will belong to Government, and no proprietor of land will be entitled to any part of it.—*Reg.* I. 1793, *Sect.* 8, *Cl.* 3.

Jumma that may be assessed on alienated lands to belong exclusively to Government.

B. B. and O.

16. The jumma of those zemindars, independent talookdars, and other actual proprietors of land, which is declared fixed in the foregoing articles, is to be considered entirely unconnected with, and exclusive of, any allowances which have been made to them in the adjustment of their jumma, for keeping up thannas, or police establishments, and also of the produce of any lands, which they may have been permitted to appropriate for the same purpose; and the Governor General in Council reserves to himself the option of resuming the whole or part of such allowances, or produce of such lands, according as he may think proper, in consequence of his having exonerated the proprietors of land from the charge of keeping the peace, and appointed officers on the part of Government to superintend

Police allowances in land or money received by proprietors whose jumma is declared fixed, resumable by Government.

B. B. and O.

Allowances, that may be so resumed not to be added to the jumma; but to be collected separately and applied solely to the police.

the police of the country. The Governor General in Council however declares, that the allowances, or produce of lands, which may be resumed, will be appropriated to no other purpose but that of defraying the expense of the police, and that instructions will be sent to the Collectors, not to add such allowances, or the produce of such lands, to the jumma of the proprietors of land, but to collect the amount from them separately.—*Reg.* I. 1793, *Sect.* 8, *Cl.* 4.

Estates of disqualified proprietors not liable to sale for arrears of assessment accruing whilst they are deprived of the management of them.

B. B. and O.

17. Nothing contained in this proclamation, shall be construed to render the lands of the several descriptions of disqualified proprietors, specified in the first article of the regulations regarding disqualified landholders passed on the 15th July 1791, liable to sale for any arrears which have accrued, or may accrue, on the fixed jumma that has been, or may be, assessed upon their lands under the above-mentioned regulations for the decennial settlement, provided that such arrears have accrued, or may accrue, during the time that they have been, or may be, dispossessed of the management of their lands, under the said regulations of the 15th July 1791. It is to be understood however, that whenever all or any of the descriptions of disqualified landholders specified in the first article of the last-mentioned regulations, shall be permitted to assume, or retain, the management of their lands in consequence of the ground of their disqualification no longer existing, or of the Governor General in Council dispensing with, altering, or abolishing those regulations, the lands of such proprietors will be held responsible for the payment of the fixed jumma, that has been, or may be, assessed thereon, from the time that the management may devolve upon them, in the same manner as the lands of all actual proprietors of land who are declared qualified for the management of their estates, and also of all actual proprietors who are unqualified for such management, by natural or other disabilities, but do not come within the descriptions of disqualified landholders specified in the first article of the regulations of the 15th July 1791, are, and will be, held answerable for any arrears that are, or may become, due from them, on the fixed jumma which they or any persons on their behalf, have engaged, or may engage, to pay under the above-mentioned regulations for the decennial settlement.—*Reg.* I. 1793, *Sect.* 8, *Cl.* 5.

Proprietors de-

18. ART. VIII. That no doubt may be entertained, whether

proprietors of land are entitled under the existing regulations, to dispose of their estates without the previous sanction of Government, the Governor General in Council notifies to the zemindars, independent talookdars, and other actual proprietors of land, that they are privileged to transfer to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary rights, in the whole, or any portion, of their respective estates, without applying to Government for its sanction to the transfer, and that all such transfers will be held valid, provided that they be conformable to the Mahommedan or the Hindoo laws, (according as the religious persuasions of the parties to each transaction may render the validity of it determinable by the former or the latter code,) and that they be not repugnant to any regulations now in force, which have been passed by the British administrations, or to any regulations that they may hereafter enact.—*Reg.* I. 1793, *Sect.* 9.

clared privileged to transfer their lands without the sanction of Government.

B. B. and O.

Provided the transfer be conformable to law and not contrary to any existing regulation.

19. ART. IX. From the limitation of the public demand upon the lands, the neat income, and consequently the value (independent of increase of rent obtainable by improvements,) of any landed property for the assessment on which a distinct engagement has been or may be entered into between Government and the proprietor, or that may be separately assessed although included in one engagement with other estates belonging to the same proprietor, and which may be offered for public or private sale entire, will always be ascertainable by a comparison of the amount of the fixed jumma assessed upon it, (which agreeably to the foregoing declarations, is to remain unalterable for ever, to whomsoever the property may be transferred) with the whole of its produce, allowing for the charges of management. But it is also essential, that a notification should be made of the principles upon which the fixed assessment charged upon any such estate, will be apportioned on the several divisions of it, in the event of the whole of it being transferred by public or private sale, or otherwise, in two or more lots, or of a portion of it being transferred in one, or in two, or more lots, or of its being joint property, and a division of it being made amongst the proprietors; otherwise, from the want of a declared rule for estimating the proportion of the fixed jumma with which the several shares would be chargeable in such cases, the real value of each share would be uncertain, and consequently the benefits expected to result from fixing the public

Rule for apportioning the fixed jumma on portions of estates, in the event of their being disposed of at public sale, or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors upon the transfer or division being notified to the Collector, or other prescribed officer, and the jumma so adjusted, declared fixed for ever.

B. B. and O.

assessment upon the lands, would be but partially obtained. The Governor General in Council, has accordingly prescribed the following rules for apportioning the fixed assessment in the several cases above-mentioned; but as Government might sustain a considerable loss of revenue by disproportionate allotments of the assessment, were the apportioning of it in any of the cases above specified to be left to the proprietors, he requires, that all such transfers or divisions as may be made by the private act of the parties themselves, be notified to the Collector of the revenue of the zillah in which the lands may be situated, or such other officer as Government may in future prescribe, in order that the fixed jumma assessed upon the whole estate, may be apportioned on the several shares in the manner hereafter directed, and that the names of the proprietors of each share, and the jumma charged thereon, may be entered upon the public registers, and that separate engagements for the payment of the jumma assessed upon each share, may be executed by the proprietors, who will henceforward be considered as actual proprietors of land. And the Governor General in Council declares, that if the parties to such transfers or divisions, shall omit to notify them to the Collector of the revenue of the zillah, or such other officer as may be hereafter prescribed, for the purposes before-mentioned, the whole of such estate will be held responsible to Government for the discharge of the fixed jumma assessed upon it, in the same manner as if nor such transfer or division had ever taken place. The Governor General in Council thinks it necessary further to notify in elucidation of the declarations contained in this article, (which are conformable to the principles of the existing regulations,) that if any zemindar, independent talookdar, or other actual proprietor of land shall dispose of a portion of his or her lands as a dependant talook, the jumma which may be stipulated to be paid by the dependant talookdar, will not be entered upon the records of Government, nor will the transfer exempt such lands from being answerable, in common with the remainder of the estate, for the payment of the public revenue assessed upon the whole of it, in the event of the proprietor or his or her heirs or successors falling in arrear from any cause whatever, nor will it be allowed in any case to affect the rights or claims of Government, any more than if it had never taken place.—*Reg.* I. 1793, *Sect.* 10.

But the transfer of dependant talooks, not to affect the rights or claims of Government in any respect.

20. In the event of the whole of the lands of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be, concluded, under the regulations above-mentioned, being exposed to public sale by the order of the Governor General in Council, for the discharge of arrears of assessment, or in consequence of the decision of a court of justice, in two or more lots, the assessment upon each lot, shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands sold, may bear to the whole of their actual produce. This produce shall be ascertained in the mode that is, or may be, prescribed by the existing regulations, or such other regulations as the Governor General in Council may hereafter adopt, and the purchaser or purchasers of such lands, and his, or her, or their heirs, and lawful successors, shall hold them at the jumma at which they may be so purchased, for ever.—*Reg.* I. 1793, *Sect.* 10, *Cl.* 1. *B. B. and O.*

21. When a portion of the lands of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be, concluded, under the regulations before mentioned, shall be exposed to public sale by order of the Governor General in Council, for the liquidation of arrears of assessment, or pursuant to the decision of a court of justice, the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those disposed of, may bear to the whole of their actual produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those sold, may bear to the whole of their actual produce. The actual produce of the whole of the lands of such proprietor, whether the portion of them which may be sold be disposed of in one, or in two, or more lots, shall be ascertained in the mode that is or may be prescribed by the existing regulations, or such other regulations as the Governor General in Council may hereafter enact, and the purchaser or purchasers of such lands, and his, or her, or their heirs, or suc- *B. B. and O.*

cessors, will be allowed to hold them at the jumma at which they may be so purchased for ever; and the remainder of the public jumma, which will consequently be payable by the former proprietor of the whole estate on account of the portion of it that may be left in his or her possession, will continue unalterable for ever.—*Reg.* I. 1793, *Sect.* 10, *Cl.* 2.

B. B. and O. 22. When a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be, concluded, shall transfer the whole of his or her estate, in two or more distinct portions, to two or more persons, or a portion thereof to one person, or to two or more persons, in joint property, by private sale, gift, or otherwise, the assessment upon each distinct portion of such estate so transferred, shall be fixed at an amount which shall bear the same proportion to its actual produce, as the assessment upon the whole of the estate of the transferring proprietor, of which the whole or a portion may be so transferred, may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is, or may be, prescribed in the existing regulations, or such other regulations as Government may hereafter adopt, and the person or persons to whom such lands may be transferred, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be so transferred, for ever: and, where only a portion of such estates shall be transferred, the remainder of the public jumma which will consequently be payable by the former proprietor of the whole estates on account of the lands that may remain in his or her possession, shall be continued unalterable for ever. —*Reg.* I. 1793, *Sect.* 10, *Cl.* 3.

B. B. and O. 23. Whenever a division shall be made of lands, the settlement of which has been, or may be, concluded with or on behalf of the proprietor or proprietors, and that are, or may become, the joint property of two or more persons, the assessment upon each share, shall be fixed, at an amount which shall bear the same proportion to its actual produce, as the fixed jumma assessed upon the whole of the estate divided, may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is, or may be, prescribed by the existing regulations, or such other regulations as the Governor General in Council may hereafter adopt, and the sharers, and their heirs, and lawful successors, shall hold their respective shares at the jumma

which may be so assessed upon them for ever.—*Reg.* I. 1793, *Sect.* 10, *Cl.* 4.

24. ART. X. The following rules are prescribed respecting the adjustment of the assessment on the lands of zemindars, independent talookdars, and other actual proprietors of land, whose lands are or may be held khas or let in farm, in the event of their being disposed of by public sale, or transferred by any private act of the proprietor, or of their being joint property, and a division of them taking place amongst the proprietors.—*Reg.* I. 1793, *Sect.* 11.

Rules for adjusting the jumma of lands held khas, or let in farm, in the event of the whole or any part of them being disposed of by public sale, or private transfer, or divided amongst the proprietors, and the jumma so adjusted declared fixed for ever.

B. B. and O.

B. B and O.

25. If the whole, or a portion, of the lands of a zemindar, independent talookdar, or other actual proprietor of land, who may not have agreed to the payment of the assessment proposed to him or her, under the regulations above-mentioned, and whose lands are, or may be, held khas, or let in farm, shall be exposed to public sale, in one or in two or more lots, pursuant to the decree of a court of justice, such lands, if khas, shall be disposed of at whatever assessment the Governor General in Council may deem equitable, and the purchaser or purchasers of such lands, and his or her or their heirs, and lawful successors, shall hold the lands at the assessment at which they may be so purchased for ever. If the lands, at the time of their being exposed to sale, shall be held in farm, and shall be put up in one or in two or more lots, they shall be disposed of under the following conditions. The purchaser or purchasers shall receive during the unexpired part of the term of the lease of the farmer, whatever such proprietor shall have been entitled to receive in virtue of his or her proprietary rights, on account of the lands so purchased, and such purchaser or purchasers, shall engage to pay at the expiration of the lease of the farmer, such assessment on account of the lands as Government may deem equitable. The sum to be received by the purchaser or purchasers during the unexpired part of the term of the lease of the farmer, and the jumma to be paid by such purchaser or purchasers after the expiration of the lease, shall be specified at the time of the sale, and such purchaser or purchasers, and his or her or their heirs, and lawful successors, shall be allowed to hold the lands at the assessment at which they may be so purchased, for ever.—*Reg.* I. 1793, *Sect.* 11, *Cl.* 1.

26. If a zemindar, independent talookdar, or other actual proprietor of land, whose lands are or may be held khas, or let *B. B. and O.*

in farm, shall transfer by private sale, gift, or otherwise, the whole or a portion of his or her lands in one, or in two or more lots, the person or persons to whom the lands may be so transferred, shall be entitled to receive from Government, (if the lands are held khas) or from the farmer, (if the lands are let in farm) the malikana to which the former proprietor was entitled on account of the lands so transferred. Persons to whom such lands may be so transferred, will stand in the same predicament as the zemindars, independent talookdars, or other actual proprietors of land, mentioned in the fourth article, whose lands are held khas, or have been let in farm, in consequence of their refusing to pay the assessment required of them under the before-mentioned regulations for the decennial settlement, and the declarations contained in that article, are to be held applicable to them.—*Reg.* I. 1793, *Sect.* 11. *Cl.* 2.

B. B. and O.

27. In the event of a division being made of lands that are, or may become, the joint property of two or more persons, and which are or may be, held khas or let in farm, the proprietors of the several shares will stand in the same predicament with regard to their respective shares, as the zemindars, independent talookdars, and other actual proprietors of land specified in the fourth article, whose lands have been let in farm, or held khas, in consequence of their having refused to pay the assessment required of them under the before-mentioned regulations for the decennial settlement, and the declarations contained in that article, are to be considered applicable to them.—*Reg.* I. 1793, *Sect.* 11. *Cl.* 3.

SECT. II.

With whom a Sudder Settlement is to be made (with Exceptions)—Independent Talookdars.

Settlement under certain restrictions, to be concluded with the actual proprietors of the soil.

B. B. and O.

28. The settlement, under certain restrictions and exceptions hereafter specified, shall be concluded with the actual proprietors of the soil, of whatever denomination, whether zemindars, talookdars, or chowdries.—*Reg.* VIII. 1793, *Sect.* 4.

What descriptions of talookdars are to be considered the actual proprietors of the lands composing their talooks.

B. B. and O.

29. The talookdars to be considered the actual proprietors of the lands composing their talooks are the following.—*Reg.* VIII. 1793, *Sect.* 5, *Cl.* 1.

Proprietors of

30. Talookdars who purchased their lands by private, or at public sale, or obtained them by gift from the zemindar, or

other actual proprietor of land to whom they now pay the revenue assessed upon their talooks, or from his ancestors, subject to the payment of the established dues of Government, and who received deeds of sale, or gift of such land, from the zemindar, or sunnuds from the khalsa, making over to them his proprietary rights therein.—*Reg.* VIII. 1793, *Sect.* 5, *Cl.* 2.

talooks obtained by purchase, or gift,

B. B. and O

31. Talookdars whose talooks were formed before the zemindar, or other actual proprietor of land to whom they now pay their revenue, or his ancestors, succeeded to the zemindarry.—*Reg.* VIII. 1793, *Sect.* 5, *Cl.* 3.

or which existed before the succession of the family of the zemindar to whom the revenue is paid,

B. B. and O.

32. Talookdars, the lands comprised in whose talooks, were never the property of the zemindar or other actual proprietor of the soil to whom they now pay their revenue, or his ancestors.—*Reg.* VIII. 1793, *Sect.* 5, *Cl.* 4.

or which never formed a part of the zemindarry;

B. B. and O.

33. Talookdars who have succeeded to talooks of the nature of those described in the preceding clauses, by right or purchase, gift, or inheritance, from the former proprietors of such talooks.—*Reg.* VIII. 1793, *Sect.* 5, *Cl.* 5.

and persons who have succeeded to any of the above mentioned descriptions of talooks.

B. B. and O.

34. The rules in Section 5, respecting talooks, have also been extended to ayma lands liable to the payment of a fixed quit revenue, denominated malguzarry aymas; and agreeably to the distinctions laid down in that section, it has been ordered, that such malguzarry ayma tenures as are held under grants of the Mahomedan government, previous to the Company's accession to the dewanny, or which have been since granted by proprietors of estates for a consideration received by them, are to be separated from the proprietors to whom their revenue is now paid, as coming within the spirit of the rules for the separation of talookdars, who are proprietors of the lands composing their talooks. But malguzarry ayma tenures which may appear to have been bonâ fide granted for the purpose of bringing waste lands into cultivation, shall continue included in the estates to which they are now annexed, as coming within the rules in Section 8, (65) respecting jungleboory talooks.—*Reg.* VIII. 1793, *Sect.* 9.

Proprietors of malguzarry ayma lands herein described entitled to separation, in the same manner as the proprietors of independent talooks.

B. B. and O.

What malguzarry ayma lands shall not be separated.

35. The rules contained in the following section have been prescribed for the guidance of the Collectors, in carrying into execution the rules relative to the separation of talookdars, who are the actual proprietors of the lands composing their talooks, and are declared entitled to separation.—*Reg.* VIII. 1793, *Sect.* 10.

Rules pointed out for the guidance of Collectors in carrying into execution the orders relative to the separation of talookdars.

B. B. and O.

B. B. and O.

36. Every talookdar being considered as the rightful possessor of his talook, until a better title is established against him by due course of law, the point to be ascertained by the Collectors in carrying the above-mentioned orders into effect, is not whether the holders of the several talooks under their authority are the lawful possessors of the talooks held by them, but whether the nature of their tenure is such as to entitle them to separation under the rules contained in Sections 5, and 9; to ascertain which, they are to call upon the talookdars to produce their title deeds, and, after having examined them, are to separate from the jurisdiction of the zemindars, or other actual proprietors of estates, those who may appear to them to be actual proprietors of the lands composing their talooks, as described in those Sections, continuing the remainder under the zemindars, or other actual proprietors, as heretofore. If a talookdar should have no title deeds to produce, the Collector is to make a summary enquiry into his right to separation, and, after attending to such proofs and documents as may be produced by the talookdar in support of his title to separation, and by the zemindar, or other actual proprietor, in objection thereto, is to decide, according to the best of his judgement, whether such talookdar be entitled to separation or not, and conclude the settlement accordingly.—*Reg.* VIII. 1793, *Sect.* 11.

To examine the title deeds of talookdars, and separate from the jurisdiction of the zemindars, &c. such as may appear to be the actual proprietors of their talooks.

How to proceed in the event of a talookdar having no title deeds to produce.

Talookdars adjudged not to be proprietors of the soil, are at liberty, if dissatisfied, to sue the zemindars, &c. in the court of dewanny adawlut, for the right of property in their talooks.

B. B. and O.

37. The Collectors are to acquaint the talookdars whom they may adjudge not to be actual proprietors of the lands composing their talooks, and consequently continue under the zemindars, or other actual proprietors, as heretofore, that, if dissatisfied with their decision, they are at liberty to sue such zemindars or actual proprietors of land, in the court of dewanny adawlut of the zillah, for the right of property in their talooks; and that in the event of their establishing such right, they will be separated from such zemindars, or other actual proprietors, and allowed to pay the revenue assessed upon their talooks, to the public treasury. They are also to acquaint the zemindars, or other actual proprietors, from whose estates talooks may be separated, and who may be dissatisfied with such separation, on the grounds of the holders of such talooks not being the actual proprietors of them and consequently not entitled to separation under Sections 5, and 9, (29—34) that they are at liberty to sue such talookdars in the court of dewanny adawlut, for the right of property in their talooks, and that in the event of their esta-

Zemindars, &c. dissatisfied with the separation of talooks from their estates, are at liberty to sue the holders of such talooks in the court of dewanny adawlut, for the right of property in them.

blishing such right, the talooks will be replaced under them as heretofore. The right of property in every talook, in cases where it may be disputed, will thus be tried and decided upon according to law in the court of dewanny adawlut of the zillah, and either party dissatisfied with the decision of the Judge, will have an appeal therefrom to the provincial court of appeal, and from the decision of that court to the sudder dewanny adawlut, in cases that may be appealable to the last mentioned court.—*Reg.* VIII. 1793, *Sect.* 12.

Either party dissatisfied with the decision of the Judge, will have an appeal to the sudder dewanny adawlut, agreeably to the judicial regulations.

38. Talookdars, ordered to be separated, are not to be permitted to pay the revenue assessed upon their lands, through the zemindars, or other actual proprietors of estates, as heretofore.—*Reg.* VIII. 1793, *Sect.* 13.

Order for the separation of independent talooks, to be considered as positive.

B. B. and O.

39. Talookdars, who in consequence of the rules in Sections 5, and 9, may be separated from the zemindars, or other actual proprietors of estates through whom they heretofore paid their revenues, are to pay their revenue in future immediately into the Collector's treasury, except in districts, where from the number of talooks, or other cause, this mode would be attended with considerable inconvenience, in which case, tehseeldars or native collectors, are to be appointed to receive the revenue of the talooks in such districts.—*Reg.* VIII. 1793, *Sect.* 14.

Separated talookdars to pay their revenue immediately into the Collector's treasury, except in particular cases in which tehseeldars are to be appointed to receive it.

B. B. and O.

40. Zemindars, or other actual proprietors of land, from whose zemindarries, or estates, talooks may be separated, shall not be appointed tehseeldars to receive the revenue of the talooks so separated, but the office of tehseeldar shall in every instance be given to some other person of character and responsibility, and the whole expence of it is to be defrayed by Government.—*Reg.* VIII. 1793, *Sect.* 15.

Proprietors from whose estates talooks may be separated, shall not be appointed tehseeldars.

B. B. and O.

This office, to whom to be given, and the expence incident to it, how to be defrayed.

41. Mocurrery leases to persons not the actual proprietors of the lands included in such leases, if granted or confirmed by the supreme Government, or obtained previous to the Company's accession to the dewanny, are to be continued in force during the lives of the lessees, subject to an abatement of the fixed jumma for the authorized sayer resumed or abolished; but on their death, the settlement is to be made with the actual proprietors of the soil, agreeably to this regulation.—*Reg.* VIII. 1793, *Sect.* 16.

Rule respecting mocurrery leases to persons not the proprietors of the lands included in them, if granted or confirmed by the supreme Government, or obtained previous to the Company's accession to the dewanny.

B. B. and O.

42. Mocurrery grants to the actual proprietors of the soil, made or confirmed by the supreme Government, are also to be continued in force, subject in like manner to an abatement of

Rules respecting mocurrery grants to the proprietors of the soil made, or confirmed by the

supreme Government.

B. B. and O.

Rules in this and the preceding Section to be considered subject to the future confirmation or revocation of the Court of Directors.

the fixed jumma on account of the resumption or abolition of the authorized sayer. The rules contained in this Section, and Section 16, (42) are to be considered subject to the future confirmation, or revocation, of the Honourable Court of Directors. —*Reg.* VIII. 1793, *Sect.* 17.

Rule respecting mocurrerydars holding lands of which they are not the proprietors granted since the Company's accession to the dewanny and not sanctioned by Government.

B. B. and O.

Qualification of the preceding part of this rule, but subject to the pleasure of the Court of Directors.

43. Mocurrerydars holding lands of which they are not the actual proprietors, and whose mocurrery grants have been obtained since the Company's accession to the dewanny, and never received the sanction of the supreme Government, are to be dispossessed, and the settlement is to be made with the actual proprietors of the soil, under this regulation. In cases however, where such mocurrerydars have been in possession of their mocurreries for a term exceeding twelve years, they are to receive during their lives, (subject to the pleasure of the Honourable Court of Directors,) the difference between the jumma at which they held the lands, and that which may be now agreed to by the actual proprietors, added to the neat produce of the authorized sayer, resumed or abolished.—*Reg.* VIII. 1793, *Sect.* 18.

Exceptions to the general orders for the conclusion of the decennial settlement with the actual proprietors of the soil.

B. B. and O.

44. The exceptions to the general order for the conclusion of the decennial settlement with the actual proprietors of the soil, contained in Section 4, (28) include the following descriptions of persons: females, (excepting those whom the Governor General in Council may judge competent to the management of their own estates,) minors, idiots, lunatics, or others rendered incapable of managing their lands by natural defects or infirmities of whatever nature; [and persons, whom the Governor General in Council may deem disqualified on account of their contumacy or notorious profligacy of character; Rescinded by Reg. 7, 1796,] provided however, with regard to the whole of these descriptions, that they are not partners in the zemindarries, independent talooks, or other estates held by them, with others of a different description, in which case, themselves or guardians are allowed, with their partners, to engage for the settlement of their lands, and elect a joint manager, under the restrictions hereafter mentioned.—*Reg.* VIII. 1793, *Sect.* 20.

Qualifications of these exceptions.

Lands of proprietors included in the above exceptions to be managed by persons appointed by Government.

B. B. and O.

45. The lands of disqualified proprietors coming within the above descriptions, are to be managed for the benefit of the proprietors, by persons appointed to the trust by Government in the mode prescribed in Regulation X. 1793, which also contains rules for the selection and conduct of such managers as

well as regarding the provision to be made for the support of the proprietors.—*Reg.* VIII. 1793, *Sect.* 21.

Further exception with respect to proprietors of land in balance to Government, and unable to pay the arrears due from them.

B B. and O.

46. A further exception has been made to proprietors in balance to Government, and unable to pay the arrears due from them; in which instances, no settlement is to be concluded with the defaulting proprietors, but their lands are to be let in farm, or held khas, for a period of three years at the discretion of the Collector.—*Reg.* VIII. 1793, *Sect.* 22.

Determination of the majority of the proprietors to be binding on the remainder, in agreeing to the jumma of undivided estates.

B. B. and O.

But the sharers if dissatisfied, may obtain a division of their lands.

47. The determination of the majority of the proprietors present, under the restrictions specified in Section 23,* is also to be binding on the remainder, in agreeing, or disagreeing to the jumma proposed for undivided estates: the sharers however, if dissatisfied, may obtain a division of their lands, and a proportionate allotment of the revenue assessed thereon, but at their own expense.—*Reg.* VIII. 1793, *Sect.* 26.

Rules respecting the settlement of land standing in the joint names of several proprietors, or of one for many, each proprietor having his separate share in his own possession.

B. B. and O.

48. When a portion of land stands in the joint names of several proprietors, or of one for many, but each proprietor has his separate share in his own possession, and management, or in that of an agent for him, the settlement is to be made for each share with the person in possession, and his land is to be held exclusively responsible for the revenue assessed upon it.—*Reg.* VIII. 1793, *Sect.* 27.

In what manner the settlement is to be made in cases of lands being mortgaged.

B. B. and O.

49. In case of mortgage, if the mortgagee has obtained possession of the land, the settlement is to be made with him, and the proprietor is to be declared entitled to succeed to his engagements on recovering possession, either by the discharge of his obligations, or by the decision of a court of justice.—If the mortgagee has not possession, the settlement is to be made with the proprietor in possession, and the mortgagee is in like manner to succeed to the lease, in case of possession being subsequently adjudged to him.—*Reg.* VIII. 1793, *Sect.* 28.

Rule to be observed when the proprietors of any land cannot be ascertained, and in cases of absentees.

B. B. and O.

The settlement of their lands how to be made in the event of their not being forthcoming.

50. If after due enquiries and reference to the mofussil records, the proprietors of any land cannot be ascertained, the lands are to be held khas pro-tempore, and the same mode is to be adopted with regard to absentees.—In both cases, an advertisement is to be issued requiring the proprietors, or absentees, to attend within a period of six months, and if they should not be forthcoming at the expiration of that period, a settlement is to be made with a farmer for ten years, allowing a pre-

* Section 23 is rescinded.

ference to the zemindar nearest in situation, on his agreeing to the jumma and the terms that may be prescribed by the Collector.—*Reg.* VIII. 1793, *Sect.* 29.

Settlement of disputed estates to be made with the proprietor in possession.

B. B. and O.

51. Where the property in lands is disputed, the settlement is to be made with the proprietor in possession under an express declaration, that he is nevertheless liable to the claims upon the estate, which is to be transferrible to any other person to whom the property may be subsequently adjudged.—*Reg.* VIII. 1793, *Sect.* 30.

Mode to be observed in cases where none of the claimants shall have been previously in possession.

B. B. and O.

52. If a case should occur, in which none of the claimants shall have been previously in possession, they are to be allowed to appoint a manager until their claims shall have been determined in the dewanny adawlut of the zillah: but if they should not agree to a manager, the lands are to be held khas, and the surplus produce after discharging the revenue, is to be kept in deposit until the right of property shall be adjudged.—*Reg.* VIII. 1793, *Sect.* 31.

Rules for the settlement, in cases where disputes exist concerning the boundaries of lands.

B. B. and O.

53. Where disputes exist concerning the boundaries of land, they are to be left to be adjusted in the dewanny adawlut, and the settlement is to be made in the mean time for the lands in possession of the disputing parties respectively.—*Reg.* VIII. 1793, *Sect.* 32.

Process to be observed when the land holders decline engaging for the jumma proposed to them.

B. B. and O.

54. In the event of any proprietor declining to engage for the settlement of his lands at the jumma proposed to him, the Collector is to communicate the objections offered, with his opinion respecting them, to the Board of Revenue. That Board is to determine the proper assessment, after making such further enquiries as they may think necessary; and the objecting proprietor is to be required to engage for such assessment without further delay; and, in the event of his refusal, which is to be given in writing, his lands are to be let in farm, or held khas, as the Board of Revenue may in each instance think most expedient.—*Reg.* VIII. 1793, *Sect.* 43.

Security for the payment of the revenue not to be demanded from proprietors,

B. B. and O.

But to be required in all cases from farmers.

55. In all cases of a settlement being made with or on behalf of zemindars, independent talookdars, or other actual proprietors of land, their lands are to be deemed sufficient security for the payment of the revenue. But where lands are let in farm, a malzamin, or security for the punctual discharge of the revenue, is to be invariably required.—*Reg.* II. 1793, *Sect.* 37.

Upon a settlement being concluded, the Board of Revenue to issue the

56. Upon a settlement being concluded with any proprietor or farmer, conformably to the regulations, the Board of Revenue

are to issue the usual bundobusty perwannah to the proprietor or farmer, without applying to the Governor General in Council for his sanction for that purpose.—*Reg.* II. 1783, *Sect.* 40.

usual bundobusty perwannahs without reference to the Governor General in Council.

B. B. and O.

57. Zemindars, independent talookdars, and other actual proprietors of land, dependant talookdars, farmers of land holding farms immediately of Government, and all persons farming lands of the above-mentioned descriptions of landholders and farmers of land, and their respective officers, agents, servants, dependants, and ryots, are prohibited from taking cognizance of, or interfering in matters or causes coming within the jurisdiction of the courts of civil judicature, or the courts of circuit, or the magistrates, under pain of being liable to the payment of such fine to Government, damages to the party injured, as the court of judicature in which they may be prosecuted for the act, may deem it proper to impose and award.—*Reg.* VIII. 1793, *Sect.* 66.

Landholders and farmers of land of every description, and their dependants, prohibited interfering in any matters coming within the cognizance of the civil or criminal courts of judicature, or the magistrates.

B. B. and O.

58. Such of the restrictions on actual proprietors of land, and farmers who hold their farms immediately of Government, as are set forth in their respective cubbooleats, and are not repealed by any regulation printed and published in the manner directed in Regulation XLI. 1793, are to be considered in full force.—*Reg.* VIII. 1793, *Sect.* 67, *Cl.* 1.

Restrictions in the cubbooleats not repealed by any regulation to be considered in force.

B. B. and O.

59. Actual proprietors of land, are to be considered to have been entitled between the period of the conclusion of the settlement with them, and the 22d March 1793, the date of the proclamation declaring the decennial settlement perpetual inserted in Regulation I, 1793, to borrow money on the credit of their lands, and to sell or otherwise dispose of them, subject to the rules and restrictions existing when the transaction took place; and all bonâ fide transfers of zemindarries, or other estates, or talooks, made by any actual proprietor of land, or dependant talookdar, subsequent to the 8th June, 1787, are to be deemed valid, although they shall have taken place without the sanction of the Board of Revenue required to be obtained by the regulations passed on that date; and all actual proprietors of land and dependant talookdars are to be held to have been at liberty from the 29th October, 1790, to borrow money without the sanction of the Board of Revenue.—*Reg.* VIII. 1793, *Sect.* 67, *Cl.* 2.

Proprietors of land entitled to borrow money, or sell their estates of their own authority, from the date of the settlement being concluded with them.

B. B. and O.

Bonâ fide transfers of estates or talooks made subsequent to the 8th June 1787, to be held valid.

60. In the original rules for the decennial settlement, the landholders were declared responsible for the peace of their

Proprietors and farmers of land de-

prived of police jurisdiction

B. B. and O.

districts, and bound to act agreeably to such regulations on that head as might afterwards be enacted. This rule was superseded by the regulations passed by the Governor General in Council, on the 7th December, 1793, which have been re-enacted with alterations and amendments by Regulation XXII. 1793.—*Reg.* VIII. 1793, *Sect.* 67, *Cl.* 4.

Collector to attend to the spirit of the rules in this regulation where they may not be applicable to particular districts.

B. B. and O.

61. In the original rules above-mentioned, it was also directed, that if in any instance the regulations should appear inapplicable to the circumstances of any particular district, the Collector should attend to the spirit of them, and carry them into execution in such mode as circumstances might allow, reporting any alterations or modifications which he might deem necessary. This rule is to be considered still in force in forming any settlements which remain to be concluded, but it is not to be construed to empower the Collector to exercise any judicial authority.—*Reg.* VIII. 1793, *Sect.* 67, *Cl.* 5.

Restrictions under which this rule is to be applied.

B. B and O.

62. It was further ordered in the original rules before mentioned, that if from want of sufficient materials or information, or on account of other impediments, the Collectors should be unable to complete the settlement of all the pergunnahs under their charge, agreeably to the prescribed plan, within the year 1197, of the eras current in the three provinces respectively, the settlement was to be made for one year only, according to the principles laid down in the regulations of the 25th April, 1788, for the settlement of 1196, the year preceding the first year of the decennial settlement.—*Reg.* VIII. 1793, *Sect.* 67. *Cl.* 6.

SECT. III.

Mofussil Settlement—Dependant Talookdars.

Description of proprietors of talooks who are to continue to pay their revenue through an actual proprietor as heretofore.

B. B. and O.

63. The following proprietors of talooks however, who now pay the public revenue assessed upon their lands through a zemindar, or other actual proprietor of land, and whose title deeds contain a clause stipulating that their revenue is to be paid through him, shall continue to pay their revenue through such zemindar, or other actual proprietor of land, as heretofore. —*Reg.* VIII. 1793, *Sect.* 6.

What talookdars are to be considered as leaseholders only, and not entitled to be rendered independent.

64. Talookdars, whose talooks are held under writings, or sunnuds from zemindars, or other actual proprietors of lands, which do not expressly transfer the property in the soil, but only entitle the talookdar to possession, so long as he continues

to discharge the rent, or perform the conditions stipulated therein, are considered as leaseholders only, not actual proprietors of the soil, and consequently are not entitled to be rendered independent of the zemindar, or other actual proprietor of land, from whom they derive their tenures, provided they now pay the rent assessed upon their talooks to him.—*Reg.* VIII. 1793, *Sect.* 7.

B. B. and O.

65. Talookdars also whose tenure is denominated jungleboory, and is of the following description, are not considered entitled to separation from the proprietors of whom they hold. The pottahs granted to these talookdars, in consideration of the grantee clearing away the jungle and bringing the land into a productive state, give it to him and his heirs in perpetuity, with the right of disposing of it, either by sale, or gift, exempting him from payment of revenue for a certain term, and at the expiration of it, subjecting him to a specific assul jumma, with all increases, abwabs, and mahtoots imposed on the pergunnah generally; but this for such part of the land only as the grantee brings into a state of cultivation; and the grantee is further subject to the payment of a certain specified portion of all complimentary presents and fees, which he may receive from his under tenants, exclusive of the fixed revenue. The pottah specifies the boundaries of the land granted, but not the quantity of it, until it is brought into cultivation.—*Reg.* VIII. 1793, *Sect.* 8.

Jungleboory talookdars herein described not entitled to separation from the proprietors.

B. B. and O.

66. Istemrardars however, who have not got possession of their lands to the exclusion, or without the consent, of the actual proprietors, as the mocurrerydars mentioned in Section 18, (43) are supposed to have done, but hold them of the proprietors on pottah, or lease, are to be considered as a species of pottah talookdars, and the settlement is to be made with them as hereafter specified.—*Reg.* VIII. 1793, *Sect.* 19.

Description of istemrardars to be considered as pottah talookdars.

B. B. and O.

67. The settlement having been concluded with the zemindars, independent talookdars, and other actual proprietors of lands, they are to enter into engagements with the several dependant talookdars, continued under them respectively, and consequently paying revenue through them, for the same period as the term of their own engagements with Government, provided talookdars will agree to such revenue, progressive or otherwise, as the zemindar or other actual proprietor of land, may be entitled to demand from them; and the several zemin-

Settlement to be made by proprietors with the talookdars continued under them, and in what manner.

B. B. and O.

dars, or actual proprietors of land to whom this rule may be applicable, are required to deliver to the Collector, within three months after the conclusion of the settlement with them, a record of the engagements entered into between them and the talookdars dependant on them, specifying their names and talooks, and the jumma payable by each.—*Reg.* VIII. 1793, *Sect.* 48.

Restrictions regarding the assessment of a certain description of istemrardars who are to be considered as leaseholders.

B. B. and O.

68. It is to be understood however, that istemrardars (mocurrerydars) of the nature of those described in Section 18, (43) who have held their land at a fixed rent for more than twelve years, are not liable to be assessed with any increase, either by the officers of Government, or by the zemindar, or other actual proprietor of land, should he engage for his own lands. With regard to such istemrardars also, as have not held their lands at a fixed rent for so long a period, if the zemindar or other actual proprietor of land, has bound himself by the deed which he may have executed, not to lay any increase upon them, he shall not be allowed to infringe the conditions of the deed for his own benefit, but must confine his demands to the rent he may have voluntarily agreed to receive.—*Reg.* VIII. 1793, *Sect.* 49.

To what the last restriction imposed on actual proprietors of land in the preceding Section is not to extend.

B. B. and O.

69. This last restriction imposed on the zemindar, or other actual proprietor of land, in Section 49, (68) is not to be considered to preclude the officer of Government or farmer, in the event of the zemindarry being held khas, or let in farm, from assessing such istemrardars, according to the general rate of the district.—*Reg.* VIII. 1793, *Sect.* 50.

Further rules to prevent undue exactions from the talookdars.

B. B. and O.

70. The following rules are prescribed to prevent undue exactions from the dependant talookdars.—*Reg.* VIII. 1793, *Sect.* 51.

Proprietors not to demand an increase from such talookdars, excepting in the cases herein specified.

B. B. and O.

71. No zemindar or other actual proprietor of land, shall demand an increase from the talookdars dependant on him, although he should himself be subject to the payment of an increase of jumma to Government, except upon proof that he is entitled so to do, either by the special custom of the district, or by the conditions under which the talookdar holds his tenure, or that the talookdar, by receiving abatements from his jumma, has subjected himself to the payment of the increase demanded, and that the lands are capable of affording it.—*Reg.* VIII. 1793, *Sect.* 51, *Cl.* 1.

Penalty for pro-

72. If in any instance it be proved, that a zemindar or other

actual propietor of land, exacts more from a talookdar than he has a right to, the court shall adjudge him to pay a penalty of double the amount of such exaction, with all costs of suit to the party injured.—*Reg.* VIII. 1793, *Sect.* 51, *Cl.* 2.

prietors making exactions from talookdars.

B. B. and O.

73. Nothing contained in this regulation shall be construed to prohibit any zemindar, independent talookdar, or other actual proprietor of land, selling, giving, or otherwise disposing of any part of his lands as a dependant talook.—*Reg.* XLIV. 1793, *Sect.* 6.

This regulation not to prohibit proprietors from disposing of dependant talooks.

B. B. and O.

74. Nor to authorize the assessment of any increase upon the lands of such dependant talookdars as were exempted from any increase of assessment at the forming of the decennial settlement in virtue of the prohibition contained in Clause First, Section 51, Regulation VIII. 1793 (71). The revenue payable by such dependant talookdars is declared fixed for ever, and their lands are accordingly to be rated at such fixed assessment in all divisions of the estate in which their talooks are included.—*Reg.* XLIV. 1793, *Sect.* 7.

Nor to affect the jumma of the talookdars, whose jumma is declared unalterable by Section 51, Regulation VIII. 1793.

B. B. and O.

SECT. IV.

General Rules for fixing the Assessment.

75. The special rules for fixing the assessment of the three provinces respectively, adapted to the local circumstances of each, commence with Section 68, (85) and the following general rules have been prescribed in addition thereto.—*Reg.* VIII. 1793, *Sect.* 33.

Rules for fixing the assessment pointed out.

B. B. and O.

76. The allowances for the cauzies and canoongoes, heretofore paid by the landholders, as well as any public pensions, hitherto paid through the landholders, are to be added to the amount of the jumma, and in future paid by the collectors of the revenue of the several zillahs, on the part of Government, under the rules and restrictions laid down for their guidance with regard to such payments, in the resolutions passed by the Governor General in Council on the 10th June, 1791, and re-enacted with modifications by Regulation XXIV. 1793.—*Reg.* VIII. 1793, *Sect.* 34.

Allowances of cauzies and canoongoes, and public pensions, paid by landholders, to be added to the jumma, and in future paid by the Collectors under certain restrictions.

B. B. and O.

77. The assessment is to be fixed exclusive, and independent of all duties, taxes, and other collections, known under the general denomination of sayer; the collections made in the gunges, hauts, and bazars, situated within the limits of the town

The assessment to be fixed exclusive of sayer, with an exception to the collections, in the gunges, &c. in Calcutta, and to cer-

tain other articles of collection confirmed.

B. B. and O.

of Calcutta excepted, and excepting also the collections confirmed to the proprietors and holders of gunges, bazars, and hauts, by the resolutions passed by the Governor General in Council on the 11th of June 1790. Those resolutions, with the subsequent rules enacted for the regulation of the abkarry, or tax on intoxicating liquors and drugs, the abolition of the other sayer collections resumed, and the compensations to be made to the proprietors and farmers of estates in consequence of this resumption and abolition, are re-enacted with modifications, by Regulations XXVII. and XXXIV. 1793.—*Reg.* VIII. 1793, *Sect.* 35.

Assessment also to be fixed exclusive of all existing lakheraje lands.

B. B. and O.

78. The assessment is also to be fixed exclusive, and independent of all existing lakheraje lands, whether exempted from the kheraje (or public revenue) with or without due authority. *Reg.* VIII. 1793, *Sect.* 36.

The above rule not meant to include malikanah lands in Behar, or private lands of zemindars, and talookdars, in Bengal and Midnapore.

B. B. and O.

79. The above exception however is not meant to include the malikanah lands in Behar, or the nankar, khomar, neej-joot, and other private lands of the zemindars and independent talookdars, or other actual proprietors of land in Bengal and Midnapore, regarding which the following rules have been prescribed.—*Reg.* VIII. 1793, *Sect.* 37.

Malikanah lands in Behar to be re-annexed, and the proprietors required to engage for the whole of their estates including these lands.

B. B. and O.

80. Where the zemindars, or the actual proprietors of land, in Behar, have resigned, or have been deprived of the management of their lands, retaining possession of a tithe, as malikanah, the latter is to be re-annexed, and the zemindars or other actual proprietors, are to be required to engage for the whole of their estates including the malikanah lands; unless such lands be held as malikanah under grants made or confirmed by the Governor General in Council, or the supreme authority of the country for the time being, and have been sold, or mortgaged, and given possession to the mortgagee, in which case they are to be exempted from this rule. Grants for malikanah lands not made or confirmed by the supreme authority of the country, are declared invalid by the regulations, passed on the 8th August 1788. If the collectors, however, should be of opinion, that any material injury will be done to any individual by the execution of these orders, they are to report the circumstances to the Board of Revenue.—*Reg.* VIII. 1793, *Sect.* 38.

Nankar, khomar, neej-joot, and other private lands, of the proprietors, in Bengal and Orissa,

81. The nankar, khomar, neej-joot, and other private lands, appropriated by the zemindars, independent talookdars, and other actual proprietors of lands, in Bengal and Orissa, to the

subsistence of themselves and families, shall be also annexed to the malguzarry lands, and the ten years' jumma fixed upon the whole under the following modifications; that such proprietors as may decline to engage for their lands, be allowed the option of retaining possession of their private lands above specified, upon the terms on which they have hitherto possessed them, provided they shall prove to the satisfaction of the Board of Revenue, that they held them under a similar tenure, previous to the 12th August 1765, the date of the grant of the dewanny to the Company, and have hitherto been permitted to keep possession of them, whenever their zemindarries or estates have been held khas or let in farm, but not otherwise. In the event of such proof, and of their availing themselves of the option above given to retain possession of their private lands, a deduction adequate to the neat produce of such lands, is to be made from the amount of the allowance fixed for excluded proprietors by Section 44.*—*Reg.* VIII. 1793, *Sect.* 39.

to be annexed to the malguzarry lands, and the jumma fixed upon the whole.

B. B. and O.

Modification of the rule.

82. The above consolidation of the malguzarry and private lands, is also to be made in the talooks continued under the proprietors on whom they have hitherto been dependant, not however with a view of increasing the rents of the talookdars, but in order to make the whole of the lands composing their talooks, answerable for their proportion of the public assessment allotted thereon.—*Reg.* VIII. 1793, *Sect.* 40.

The consolidation of the malguzarry and private lands to be made also in talooks, continued under proprietors on whom they have been hitherto dependant.

B. B. and O.

Motive of this consolidation.

83. The chakeran lands, or lands held by public officers, and private servants, in lieu of wages, are also not meant to be included in the exception contained in Section 36 (78). The whole of these lands in each province, are to be annexed to the malguzarry lands, and declared responsible for the public revenue assessed on the zemindarries, independent talooks, or other estates, in which they are included, in common with all other malguzarry lands therein.—*Reg.* VIII. 1793, *Sect.* 41.

Chakeran lands to be annexed to the malguzarry lands and declared responsible for the public revenue.

B. B. and O.

84. All engagements for the jumma, whither executed by proprietors, or farmers, are to be for sicca rupees, and a clause is to be inserted, obliging them to pay to Government siccas, or the same species of rupees as they may have received from their under farmers, or ryots, at the bazar rates of batta, until a sufficient number of sicca rupees can be circulated to make these the only legal tender. The collectors are to insert in their trea-

All engagements for the jumma to be for sicca rupees, subject for the present to a provisionary clause.

B. B. and O.

Collectors to insert in their treasury accounts the

* Section 44 rescinded by Section 5, Regulation VII 1822.

rates of batta at which they may receive all rupees not siccas.

sury accounts the rates of batta at which all rupees, not siccas, may be received by them.—*Reg.* VIII. 1793, *Sect.* 42.

SECT. V.

Bengal Special Orders.

What is to be considered as the standard in fixing the assessment.

Bengal.

85. In fixing the amount of the assessment, the jumma of the preceding year, compared with the accounts, and information supplied by the Collectors, and the recommendation of the Board of Revenue founded thereon, is to be the standard, under the following considerations.—*Reg.* VIII. 1793, *Sect.* 68.

Cases wherein the Board of Revenue may postpone the decennial settlement.

Bengal.

86. If the Board of Revenue shall have reason to believe, that, the accounts furnished of any particular district or districts are materially defective; that more accurate information of their actual produce is necessary; and that it can be procured without having recourse to hustaboods and measurements, which have been prohibited, the decennial settlement of such districts is to be postponed.—*Reg.* VIII. 1793, *Sect.* 69.

No abatement from the jumma of the preceding year is to be allowed without special sanction.

Bengal.

87. No abatement from the jumma of the preceding year is to be allowed, without the special sanction of the Governor General in Council.—*Reg.* VIII. 1793, *Sect.* 70.

Bengal.

88. Any occasional diminution of the jumma which it may be necessary to allow on account of casualties of season, is to be restored by a russud, or progressive increase; but no russud shall be established to extend beyond the third year of the settlement, except in the separated talooks, and other petty mehals, in which the Board of Revenue may allow a further extension of the russud, if it shall appear to them expedient.—*Reg.* VIII. 1793, *Sect.* 71.

Settlements to be made as far as possible in one neat sum, free from all charges of the nature herein specified.

Bengal.

89. The settlement is to be made, as far as possible, in one neat sum, free from any charges of moshdira, zemindarry amlah, poolbundy, cutcherry charges, or others of a similar nature; or being intended, that all charges incidental to the receipt of the rents of the lands, and independent of the allowances of the officers of Government, and expences attending the collection of the public revenue, shall be defrayed by the proprietors from the produce of their lands.—*Reg.* VIII. 1793, *Sect.* 72.

Separate allowances to the families of proprietors to be abolished and provided for by the proprietors.

Bengal.

90. In every possible case, all separate allowances to the families and connections of the proprietors of land, are to be abolished, and the provision for their maintenance is to devolve upon the proprietors.—*Reg.* VIII. 1793, *Sect.* 73.

91. With respect to any of the existing established zemindarry charges, such as pensions, charitable or other allowances, which it may be thought proper to continue, they shall be paid by the Collectors, and the proprietors and farmers of land are to have no concern in them, unless for special reasons of convenience, it should be deemed more expedient in any instance, to entrust the proprietors or farmers of land with the disbursement of them.—*Reg.* VIII. 1793, *Sect.* 74.

Established zemindarry charges which are to be paid by the Collectors except in certain cases.

Bengal.

92. The standard for fixing the future assessment mentioned in Section 68, (85) viz. The jumma of the preceding year, compared with the accounts and information supplied by the Collectors, and the recommendation of the Board of Revenue thereon, cannot be applied however to the separated talooks, which have not heretofore paid any jumma immediately to Government; nor is it to be understood to be applicable to any instances where the actual produce of the lands may have been ascertained. In all such instances, and in all separated talooks, the jumma of which shall clearly appear to have been fixed below the general rate of assessment of the pergunnah wherein they are situated, the assessment is to be regulated so as to leave to the proprietors a provision for themselves and families, equal to about ten per cent. on the amount of their contributions to Government, including the produce of their nankar, or other private lands, to be annexed to the malguzarry lands, as directed in Section 39 (81); and the talookdars whose jumma may be raised by virtue of this rule, are to be informed, that they may sue in the dewanny adawlut, the proprietor who fixed their jumma, if they shall think themselves aggrieved by their payments being enhanced, contrary to the terms of a grant which the zemindars had no authority to bestow on them.—*Reg.* VIII. 1793, *Sect.* 75.

Exceptions to the application of the standard of assessment mentioned in Section 68.

Bengal.

Separated talookdars whose jumma may be raised under this Section at liberty to sue the zemindars who fixed their jumma.

93. From this rule however are to be excepted, all separated talooks, as well as all lands heretofore paying revenue immediately to Government, which may have been held at a fixed jumma during the last twelve years, and the decennial settlement is to be concluded with the proprietors of such talooks and lands, at the jumma hitherto paid by them, subject to such deduction as may be found equitable on account of the sayer, resumed or abolished.—*Reg.* VIII. 1793, *Sect.* 76.

Exceptions to the preceding rule in favour of separated talookdars and others who have paid a fixed jumma for the last twelve years.

Bengal.

94. The estimated provision for the landholders and their families, where the assessment may be fixed on the ascertained

Circumstances which may render a larger provision

than ten per cent. necessary will be taken into consideration.

Bengal.

produce of their lands, is stated generally at ten per cent. on the jumma payable by them. But if owing to any peculiar circumstances, a larger provision should be deemed necessary, particularly in zemindarries, or independent talooks yielding a small revenue, the Governor General in Council will take the same into consideration.—*Reg.* VIII. 1793, *Sect.* 77.

Points to be considered in carrying into execution the principles contained in Section 72.

Bengal.

95. In carrying into execution the principles contained in Section 72, (89) it will be necessary to consider, whether the several charges noticed, have been heretofore defrayed by the actual proprietors of land, independent of their assessment, or by Government, with a view to determine whether a deduction is to be allowed from their future jumma to provide for them, or otherwise.—*Reg.* VIII. 1793, *Sect.* 78.

Cases in which a deduction is or is not to be allowed for the charges herein alluded to.

Bengal.

96. In cases where the charges alluded to in the preceding Section have been defrayed by the actual proprietors of land, independently of their jumma to Government, they will not of course be entitled to any deduction on account of them; but where they have been heretofore paid by Government, the jumma must suffer a proportionate diminution, unless there be sufficient funds for the discharge of them in addition to the former jumma. With respect to the moshaira in particular, it is to be observed, that where the lands have been let in farm, but are now left with the proprietor, the latter may be presumed to receive an equivalent for his former allowance in the profits of the farmer, which will revert to him.—*Reg.* VIII. 1793, *Sect.* 79.

Rule respecting moshaira.

Mofussil charges to be considered in calculating the assessment when the gross assets shall have been ascertained.

Bengal.

Statement required from the Collectors.

97. Where the jumma may be fixed on the ascertained gross assets, the mofussil charges of every denomination, whether dehatee, pergunnatee, or others, must further be considered in calculating the proper assessment, and the Collectors are to transmit a statement of the estimated gross assets, with an adjustment of the revenue thereto, conformably to the above rules.—*Reg.* VIII. 1793, *Sect.* 80.

Every circumstance influencing the regulation of the jumma to be recorded.

Bengal.

98. Every circumstance, influencing the regulation of the jumma, is to be minutely recorded, to prevent any claims hereafter on the part of the proprietors or farmers for lowering the amount.—*Reg.* VIII. 1793, *Sect.* 81.

SECT. VI.

Behar Special Orders.

Principles to be observed in fixing the jumma to be paid by the proprietors.

Behar.

99. The jumma which each actual proprietor of land is to pay, is to be fixed by the Collector on fair and equitable principles, with the reserve of the approbation of the Board of Revenue, to whom he is to report the grounds of his decision on the jumma. If he should deem it eligible, he may call upon the actual proprietors of land to deliver in proposals for the settlement of their lands; but his judgment, is, in the first instance, to determine the amount of the assessment.—*Reg.* VIII. 1793, *Sect.* 82.

Modes to be attended to in ascertaining the assets for the purpose of fixing the jumma.

Behar.

General rule to be adopted in all practicable instances.

Measurement authorized in certain cases.

100. The Collectors, in fixing the jumma, are to attend to the modes which have hitherto prevailed in ascertaining the assets, and fixing the jumma between the proprietors of small estates, and the principal proprietor or farmer, adopting in all practicable instances, the following general rule: That the average product of the land in common years (assuming three or four for the calculation) be taken as the basis of the settlement, and from this, deductions be made equal to the malikanah and khurcha, leaving the remainder the jumma of Government. The Governor General in Council relies on the accuracy of the Collectors in the application of this rule; and they are authorized, in the event of great uncertainty, to measure the lands. This uncertainty, however, is to be reported to the Board of Revenue; and the measurement is not to be undertaken, but on the clearest grounds of the necessity of it.—*Reg.* VIII. 1793, *Sect.* 83.

Exception to the above rules.

Behar.

101. From the above rules are to be excepted all lands heretofore paying revenue immediately to Government, which may have been held at a fixed jumma, during the last twelve years; and the decennial settlement is to be concluded with the actual proprietors of such lands, at the jumma hitherto paid by them, subject to such deduction, as may be found equitable, on account of the sayer, resumed or abolished.—*Reg.* VIII. 1793, *Sect.* 84.

No abatement from the sudder jumma of 1196, to be confirmed without special sanction.

Behar.

102. No abatement from the sudder jumma of 1196, is to be confirmed, without the special sanction of the Governor General in Council.—*Reg.* VIII. 1793, *Sect.* 85.

Principle to be observed in regu-

103. The sudder kistbundy is to be so regulated, as to afford the proprietors of land all possible convenience in the discharge

lating the sudder kistbundy.
Behar.

of their revenue, with due regard to the security of Government.—*Reg.* VIII. 1793, *Sect.* 86.

Collectors to proceed with caution in the execution of these rules and are expected to be able to furnish clear explanations of their proceedings

Behar.

104. The Collectors are to proceed with due caution and information in the execution of these fundamental resolutions; and it is expected they will be able, when called upon, to furnish clear and satisfactory explanations of their proceedings, particularly on the amount of the assessment.—*Reg.* VIII. 1793, *Sect.* 87.

SECT. VII.

Midnapore Special Orders.

In what cases the Collector is authorized to make alterations in the jumma of the past year.

Midnapore.

105. The Collector is authorized to make alterations in the jumma of 1196, when from good information, and his own experience, it may appear necessary to render the jumma of the respective zemindars, independent talookdars, and other actual proprietors of land, more equal and proportioned to the resources of their lands.—*Reg.* VIII. 1793, *Sect.* 88.

Mode to be adopted to ascertain the necessity of granting remissions upon the last year's jumma.

Midnapore.

106. In order to ascertain the necessity of granting any remissions upon the jumma of 1196, the Collector is to examine the wassilaut and akrajaut, or the gross receipts and expenditures, comparing the one with the other, and checking the latter when exorbitant; and he is particularly to ascertain, to his full satisfaction, those instances in which the zemindars, independent talookdars, or other actual proprietors of land, have been under the necessity of selling their lands and effects to make good the amount of their stipulations.—*Reg.* VIII. 1793, *Sect.* 89.

Fine may be imposed on proprietors guilty of delays in giving the accounts which may be required in conformity to the preceding Sections.
Midnapore.

107. To obviate and correct, as far as possible, any unnecessary or studied delays in the zemindars and talookdars in giving the accounts required, he is authorized to impose a moderate fine upon such of them as may be guilty of delay, or evasions, reporting the cases as they may occur to the Board of Revenue.—*Reg.* VIII. 1793, *Sect.* 90.

These cases to be reported to the Board of Revenue.

Measures authorized in cases of great doubt or uncertainty.
Midnapore.

108. In cases of great doubt and uncertainty, the Collector is authorized to measure the lands, or make such mofussil investigations into the produce of them, as he may deem necessary for ascertaining the truth.—*Reg.* VIII. 1793, *Sect.* 91.

Collector may grant remissions upon the jumma of the last year, but the settlement to

109. The Collector is authorized, upon the grounds of the information obtained in the mode above pointed out, to grant remissions upon the jumma of 1196, the Governor General in

Council expecting that no remission will be allowed but upon satisfactory explanations of the necessity of it; but the settlement is to be made, under an express reserve and limitation, that it be approved and confirmed by the Governor General in Council, and a declaration to this effect is to be made to the proprietors.—*Reg.* VIII. 1793, *Sect.* 92.

be made subject to the confirmation of the Governor General in Council.

Midnapore.

110. The estimated allowance for casual deficiency upon the gross jumma is to be reduced from rupees 1,30,477, to the sum of rupees 50,546, which is three per cent. upon the gross jumma of 16,84,868 5 1, after deducting from it the article of batta. —*Reg.* VIII. 1793, *Sect.* 93.

Estimated allowance for casual deficiency to be reduced and in what proportion.

Midnapore.

111. The allowance for religious expenditures, being enormous, shall also be reduced. The Governor General in Council does not mean to prescribe the exact amount of the reduction, but conceives that the sum now allowed, will admit of a diminution of at least 35,000 rupees. The Collector, in fixing the assessment, is to regulate the estimate of the amount of it by this consideration. These charges being highest in the pergunnahs of Cossejurah, Shahpore, Midnapore, and Mynachowra, the reduction ought to be greatest in them.—*Reg.* VIII. 1793, *Sect.* 94.

Allowance for religious expenditures to be reduced, and rules for this reduction.

Midnapore.

112. The charges of purchasing provisions for the battalion when in the town of Midnapore, and of firewood and grass, when travelling, if such have been actually incurred by the proprietors of land, are to be discontinued, and no such charge shall be incurred by them in future.—*Reg.* VIII. 1793, *Sect.* 95.

Charges for purchasing provisions &c. for the battalion, to be discontinued.

Midnapore.

113. The settlement is to be made, as far as possible, in one neat sum, free from any charges of moshaira, zemindarry, amlah, poolbundy, cutcherry, or other charges of a similar nature; it being intended that all charges incidental to the receipt of the rents of the lands, independent of the allowances of the officers of Government, and expences attending the collection of the public revenue, shall be defrayed by the proprietors from the produce of their lands.—*Reg.* VIII. 1793, *Sect.* 96.

Settlement to be made, as far as possible, in one neat sum, free of all charges of the nature herein specified.

Midnapore.

114. With respect to any of the existing established zemindarry charges, such as pensions, charitable allowances, or others, which it may be thought proper to continue, they are to be paid by the Collectors, and the proprietors are to have no concern in them, unless for special reasons of convenience, it should be deemed more expedient, in any instance, to intrust

Established zemindarry charges are to be paid by Collectors except in certain cases.

Midnapore.

the landholders with the disbursement of them.—*Reg.* VIII. 1793, *Sect.* 97.

Cases in which a russud may be allowed and for what period.

Midnapore.

115. Any occasional diminution of the jumma, which it may be necessary to allow on account of casualties of season, is to be restored by a russud; or progressive increase; but no russud shall be established to extend beyond the third year of the settlement, except in the separated talooks, and other petty mehals, in which the Board of Revenue may allow a further extension of the russud, if it shall appear to them expedient.—*Reg.* VIII. 1793, *Sect.* 98.

Every circumstance influencing the regulation of the jumma to be recorded.

Midnapore.

116. Every circumstance, influencing the regulation of the jumma, must be minutely recorded, to prevent any claims hereafter on the part of the proprietors for lowering the amount of it.—*Reg.* VIII. 1793, *Sect.* 99.

SECT. VIII.

Salt Districts Special Orders.

In what respects the above regulations are not to be considered applicable to such of the salt districts as have been held khas.

Salt Districts.

117. The rules contained in the preceding sections of this regulation, as far as they relate to the term of the settlement, and the formation of it with the actual proprietors of land, are not to be considered as applicable to such of the salt districts as have been held khas in the past years, to facilitate the conduct of the business of the salt manufacture. These are to continue khas as heretofore, and the assessment of them is to be from year to year as hitherto, until the Governor General in Council shall think it proper to pass a regulation to the contrary.—*Reg.* VIII. 1793, *Sect.* 100.

Pottahs however have been ordered to be prepared and delivered to the ryots, conformably to the rules prescribed for Midnapore.

Salt Districts.

118. The Collectors of the revenue in the districts alluded to in the preceding section, have been ordered to prepare and deliver pottahs to the ryots, conformably to the rules prescribed in this regulation, and within the period limited for the delivery of them in Midnapore.—*Reg.* VIII. 1793, *Sect.* 101.

CHAPTER II.

SETTLEMENT OF THE LAND REVENUE.

Benares.

SECT. 1.

Rules for the Permanent Settlement in Benares.

Benares.

1. The Governor General in Council having determined, with the concurrence of the Rajah of Benares, to introduce into that province, as far as local circumstances will admit, the same system of interior administration as has been established in the Provinces of Bengal, Behar, and Orissa, and the limitation of the annual revenue payable from the lands, forming an essential part of that system, as stated in the preamble to Regulation II. 1793, the following rules have been enacted.—*Reg.* I. 1795, *Sect.* 1.

The origin and progress of the assessment of the land revenue in the province of Benares.

Benares

2. On the expiration of the year 1195 Fussily, the Governor General in Council instructed the Resident to make the settlement of the revenue for the ensuing year 1196 under his own immediate control. The Resident accordingly completed the settlement, by granting leases for the term of one year to certain aumils, and for five years to others, by which they bound themselves to pay a specific jumma or assessment. But the Governor General in Council being desirous of extending to the province of Benares from the beginning of the year 1197, as far as circumstances might admit, the principles of the decennial settlement directed to be formed in the provinces of Bengal, Behar, and Orissa, those principles were accordingly introduced in the districts of which the aumils, in the preceding year, had obtained leases for five years, by their consenting to the Resident's issuing pottahs or leases under their and his joint seals and signatures, for the remaining four years of the term of

their own engagements, to all the talookdars, and to the village zemindars, and farmers, by which it was stipulated that they should pay a certain fixed assessment, the amount of which should be received by the aumils, and accounted for by them to Government; and in the districts, the leases of which had been granted for one year only, and had consequently expired, by the issuing of pottahs to the talookdars, and the village zemindars, and farmers, under the signature of the Resident and the Rajah, fixing the revenue to be in like manner paid by them through the aumils for the term of ten years. The particulars of these arrangements, were detailed in the reports on the said settlements for one year, and for four, and ten years, made to the Governor General in Council by the Resident on the 26th of April, the 30th of November, and the 26th of December 1789, and the 25th November 1790, and in the papers and accounts therein referred to; and on a consideration of them, the Governor General in Council, on the 11th February 1791, approved of the said quartennial and decennial settlements, with the talookdars, village zemindars, and farmers, and ordered "*that "the four years pottahs be confirmed for the ensuing six, so as "to reduce the whole to a ten years settlement, and that assur-"ances be given to the pottah holders, that as long as they con-"tinue to pay their revenue stipulated in the last year of the "increase as specified in their several pottahs, they shall not be "liable to any further demand during their lives.*" This order has been repeatedly notified to the parties whom it concerned, who, with the exception of the pottah holders in a few pergunnahs, and of certain individual zemindars, and farmers, in others, have by the performance of the conditions required of them, become entitled to hold their lands at a fixed assessment during their lives as specified in the said order. The Governor General in Council has now further resolved, that the revenue stipulated to be paid on account of the lands included in the quartennial and decennial pottahs, the conditions of which have been performed, whether held by zemindars or farmers, shall be fixed in perpetuity, and that the person or persons now holding, or who may hereafter become entitled under the regulations to succeed to, such pottahs, shall not be liable to any additional payment beyond the highest annual jumma, specified in such pottahs. That this resolution may be rendered more immediately and generally known, the Resident is to

Revenue assessed on the lands included in pottahs, and the conditions of which have been performed, fixed in perpetuity.

notify it to the parties interested by a proclamation to the following effect.—*Reg.* I. 1795, *Sect.* 2.

Proclamation.

Benares.

Revenue assessed on the lands agreeably to the pottahs granted under the rules for the quartennial and decennial settlements, declared fixed in perpetuity.

3. "On the 11th February 1791, the Governor General in Council signified his approbation, and confirmation of the quartennial, and decennial settlements, formed in the Fussily year 1197, (1789-90), throughout the four Circars comprised in the province of Benares, and directed in respect to the pottahs for four years, that the amount of the jumma payable thereby in the fourth year, should be continued for the next six years, so as to place the quartennial pottahs, on the same footing as the pottahs granted for ten years. The Governor General in Council now declares that the jumma payable according to the quartennial and decennial pottahs shall remain fixed for ever, so that no sum exceeding the amount specified as the highest annual jumma payable according to the said pottahs, shall ever be required of those pottahdars or holders of pottahs, who have hitherto paid up their revenue, and observed all the other conditions specified in their pottahs, nor of those who may hereafter become entitled to hold or succeed to such pottahs, so long as they shall continue to discharge the amount, and to perform the conditions therein stipulated.—*Reg.* I. 1795, *Sect.* 3, *Cl.* 1.

Reservations under which the above declarations are made.

Benares.

4. The above declarations are made with the following reservations.—*Reg.* I. 1795, *Sect.* 3, *Cl.* 2.

Benares.

5. The holders of the pottahs are to be considered as bound to conform to all regulations regarding them, the preservation of the rights of the putteedars, or sharers in estates, the ryots, or the administration of justice, which have been or may be passed by the Governor General in Council, and printed and published in the manner prescribed in Regulation XLI. 1793. —*Reg.* I. 1795, *Sect.* 3, *Cl.* 3.

Rule regarding the succession to zemindarries.

Benares.

6. The succession to zemindarries is to take place according to the established laws, rules, and customs of the country, as provided for in the regulations passed, or which may be enacted, for the province of Benares, and printed and published in the manner prescribed in Regulation XLI. 1793.—*Reg.* I. 1795, *Sect.* 3, *Cl.* 4.

Cases in which a zemindar dispossessed before the 1st July 1775, shall be restored to his estate on the avoidance of the pottah

7. In the event of the death of a farmer, holding a pottah for lands the zemindar of which was dispossessed previous to the 1st July 1775, the date of the cession of the province of Benares to the Company, or of the pottah of any such farmer be-

which may have been granted for it to a farmer.

Benares.

Conditions under which such restoration is to take place.

coming otherwise void, it has been determined, with the concurrence of the Rajah of Benares, that such zemindar, or his heir or heirs, shall be restored to the estate, provided he or they shall agree to pay the fixed jumma assessed on the lands, agreeably to such pottah, and to conform to all regulations for the collection of the revenue, the administration of justice, or other matters, which may be printed and published in the manner prescribed in Regulation XLI. 1793. In such case, the estate shall be made over to him or them, in preference to its being leased to a new farmer, or to the heir of the last pottah holder.—*Reg.* I. 1795, *Sect.* 3, *Cl.* 5.

Cases in which zemindars who have had possession of their estates since the 1st July 1795, but which may have been leased to farmers, may recover possession from such farmers.

Benares.

8. According to the well known rule prevailing in the province, those zemindars who have had possession of their estates since the 1st of July 1795, but who were nevertheless excluded at the forming of the permanent settlement, may recover possession of their estates from the farmers who may hold pottahs for, and be in the actual management of them, by proving their intermediate possession in the court of dewanny adawlut. The courts of dewanny adawlut, are accordingly to decree the restoration of any such zemindar so claiming, on proof being made by him of such intermediate possession; but every such decree is to provide for such zemindars previously indemnifying the farmer for the loss which he may prove to the satisfaction of the court, to have sustained in consequence of his having held the lands under the pottah of Government, and the court is accordingly to enquire into and decide upon such loss, and to cause the amount to be made good to the farmer, before the zemindar is reinstated."—*Reg.* I. 1795, *Sect.* 3, *Cl.* 6.

Regulation XLI. 1793, extended to Benares.

Benares.

9. The Rules contained in Regulation XLI. 1793, entitled, "*A regulation for forming into a regular code, all regulations* "*that may be enacted for the internal government of the* "*British territories in Bengal,*" are hereby declared to extend to the province of Benares; and that no doubt may be entertained what regulations so enacted may be meant to extend to that province, or otherwise, it is hereby declared, that no such regulation that has been or may be passed previous to, on, or after this date, shall be considered to extend, either wholly or in part, to the province of Benares, unless the title to the regulation, or the regulation itself, or some other regulation, shall declare the whole or a part of it, to extend to that province.—*Reg.* I. 1795, *Sect.* 4.

10. Previous to the year 1781, the Resident stationed at Benares on the part of the British Government, was not empowered to interfere in any respect in the settlement or collection of the revenue of the zemindarry. On the accession of Rajah Mahipnarain in 1781, the administration of the revenue was committed to the charge of naibs acting on his behalf, and subject in some degree to the control of the Resident. In the year 1787, the Resident himself was entrusted with the superintendence of the formation of the settlement, and the collection of the revenue. The successive measures that have been adopted from the beginning of the Fussily year 1195, which commenced in September 1787, regarding the settlement and collection of the revenue of the province, are hereby enacted into a regulation.—*Reg.* II. 1795, *Sect.* 1.

Benares.

11. At the recommendation of the Resident, a new form of cabooleat was taken by the Rajah from the aumils, (then the farmers of the revenue,) on the conclusion of the settlement which he entered into with them for the Fussily year 1195. In this cabooleat it was stipulated, that the aumils should pay to the Rajah the jumma for which they had severally engaged, according to the tushkees or account particulars of the revenue funds in their respective aumildarries, including nuzeranna, and the Government's moiety of the bhurray, and russoom khazanah, and exclusive of the articles of mujray, maafy mamooly, and the kharijee jumma, which consisted principally of lands exempted from the payment of revenue, and partly of pensions, and charitable, and other allowances, charged on the public revenue. This jumma was to be paid agreeably to the kistbundy or instalments for regulating the periods of the payments of the aumils, which then generally extended from the beginning to the end of the year; and the aumils further agreed, that on proof of their making any undue exactions beyond the tushkees or funds assigned to them, they should be liable to pay a fine of three times the amount to Government.—*Reg.* II. 1795, *Sect.* 2.

Engagements of the aumils in 1195.

Benares.

Penalty for undue exactions.

12. With a view to provide against sundry abuses and irregularities in the system of realizing the public revenue, the Resident, on the 25th June 1788, desired the Rajah, to cause a new form of pottah to be established, and issued to the ryots, specifying the denomination and length of the rod by which the betay lands, (lands, of the produce of which, Government, or the per-

Provisions for remedying the abuses in the system of collecting the public revenue.

Benares.

son having the collection of its dues, is entitled to a certain proportion, the value of which, estimated at the current market price, is paid in money by the cultivator of the land,) were to be measured, in case such measurement should be demanded by either party on the arrival of the period when the produce of the crops of the ryots is estimated by the mode termed Kunkoot; and as in many places where the revenue was thus paid on such estimations of the harvests, disputes occurred between the ryot and the aumil, as to the value in money at which the crop was to be appreciated, it was provided that twice in the year, or for each harvest, the valuation of the crops should be settled for each pergunnah separately, by the authority of Government, and a notification thereof issued the rates to be paid for the grain or crops in the khereef, to be fixed in the month of Maug, and those of the rebby-harvest, in Jeyte, according to the actual market prices then current in the several parts and divisions of the country. The above mode of estimating the produce, and appreciating the value of the crops, is accordingly in future to constitute the rule for ascertaining the collections to be made from the betay lands, and for adjusting the aggregate amount of them for the whole year, the kists due on each harvest, being intermediately paid on account, according to the usual proportion of the mofussil kistbundy or instalments. The practice of agore betay, (taking the Government's half of the produce in kind after the crop has been reaped, or gathered) was at the same time forbidden, as affording to individuals the means of defrauding Government of its due proportion of the produce; and in the form of the pottahs for the betay lands, it was directed to be specified, whether the value of the produce was to be divided between the aumil, and the ryot, in equal proportions, or with such zabetaneh, or established difference, as the custom of each pergunnah authorized.—*Reg.* II. 1795, *Sect.* 3, *Cl.* 1.

Measuring rods.

Valuation of crops.

Agore betay forbidden.

Qualifications in respect to the rule for disallowing of agore betay.

Benares.

13. The enforcement of the prohibition in Section 3, (12) against agore betay, having met with some opposition from certain Brahmins and Atteets, the Government's share of whose crops had always been ascertained in that mode, and who declared their intention of committing violence on themselves, if it was not adhered to with regard to them; the Resident, on the 17th of January 1789, issued a publication disapproving of the conduct of these Brahmins and Atteets, and apprizing them that

the regulations would be enforced. But the practice of agore betay having prevailed only in a small portion of the country, and consequently there being little probability of many similar instances of opposition occurring, the Resident thought it advisable to accompany this publication with an order to the aumils, authorizing and enjoining them not to insist on receiving a money rent from such of the above-mentioned Brahmins and Atteets as should so persevere in their objections, but to continue the practice of agore betay with regard to them, until they should consent to the payment of a money rent, as well as to the rate of the rent. This order was sanctioned by Government.—*Reg.* II. 1795, *Sect.* 21.

Benares.

14. In the pottahs for nukdy land, (land paying a specific money rent per begah,) the name and length of the null or measuring rod, was directed to be mentioned; and as since the year 1781, sundry new articles of abwaub and charges had been introduced, the pottah provided, that all new abwaub and charges introduced since the Fussily year 1187, should from the year 1196 of the same era, be considered as prohibited and relinquished, and that the maal or original rent, and abwaub, or cesses, which existed in that year, viz. 1187 Fussily, being incorporated with the maal, so as to form only one aggregate sum, this sum or specific rate, should constitute what the ryots or cultivators of the nukdy lands were to pay per begah.—*Reg.* II. 1795, *Sect.* 3, *Cl.* 2.

Authorized rates of assul and abwaub on land in cultivation.

15. The rent of waste land intended to be brought into cultivation, was directed to be fixed at such rates as the ryots might willingly agree to pay, and without abwaub.—*Reg.* II. 1795, *Sect.* 3, *Cl.* 3.

Rates of fallow or uncultivated lands.

Benares.

16. On the 1st of July 1788, the canongoes were apprized of the above rules, and of the Rajah having deputed aumeens for the purpose of carrying them into effect; and they were further informed that they were to co operate, in fixing the jumma of the nukdy lands, and ascertaining the proportion and mode of assessment on the betay lands; and that wherever, during the administration of Rajah Cheyte Sing, the null or measuring rod, was more or less than the rod of three dirrahs Ilahee, (which rod alone was ordered to be used for the future,) or wherever a begah consisted of a greater or less extent of land than twenty biswahs in the Fussily year 1187, they were to adjust in proportion to these varieties in the rod, and in

Instructions for carrying these provisions into execution.

Benares.

the extent of the begah, the rates and modes of the nukdy and betay revenue in one sum, agreeably, and, as nearly as might be possible, equivalent to, the assul and abwaub, or zabetaneh of that year, and to fix the rates in the pottah accordingly. Pottahs were in consequence issued by the Rajah's aumeens, comprehending the above specifications, but not so generally or accurately, as fully or effectually to accomplish the object of their deputation; and in the rates inserted in these pottahs, they likewise omitted to make allowance for the difference between the old and new measuring rods and begahs.—*Reg.* II. 1795, *Sect.* 4.

Extent and dimensions of a begah of ground, according to the authorized measurement of three dirrahs Ilahee.

Benares.

17. The begah of three dirrahs Ilahee, thus established, consists of twenty poles, each measuring eight feet, and four inches, and eight-tenths of an inch; the whole length being one hundred and sixty-eight feet, giving a surface or area of twenty-eight thousand, two hundred and twenty-four square feet, or three thousand one hundred and thirty-six square yards; and the biswah or twentieth part of this begah, of one hundred and fifty-six square yards, and eight-tenths of a yard. On its appearing that several of the aumils and canongoes, understood that the kesraut, or difference in the length between the former and present measuring rods, was to affect the assessment on all kinds of cultivation, the Resident issued an explanatory notification on the 12th of May 1789, to the following effect, viz. In the places where the null or rod of 1187, was less than the general standard rod, established for that year, such difference was to be taken and calculated per begah, on the jummaee or kowlee, i. e. nukdy land, and also upon that known under the denomination of rye kunkooty, or land the produce of which is calculated at a fixed or usual quantity per begah, and the revenues rated thereon accordingly. Thus where the rye kunkooty had been three maunds or four maunds, or taken at any other specific estimate per begah, according to the rye or rate of 1187, upon the ryot's cultivation in general, either on each distinct kind of produce, or upon a medium of the first, second, or third kinds of produce; in such cases, on the principle prescribed with respect to the nukdy, the difference of the rod was to be taken in all instances, where actual mensuration by the new rod of three dirrah Ilahee, should at the desire of either party be resorted to, for ascertaining the whole extent of ground in cultivation. But on the contrary,

In what cases the

where the aumeen of the aumil, in the mode termed kunkoot, should proceed with the gowro or estimator, and the gomastah of the canongoe, and these two last mentioned officers, with the consent of both parties, should estimate the produce of the crop on an inspection of it without measurement, the taking the difference of the rod was neither necessary nor proper, the whole produce being estimated without reference to the extent of the begah. All parties were required to attend to the letter and spirit of these prescriptions; and in conformity thereto, it was further signified to them, that where the crops were estimated in the mode termed danabandy kunkooty, that is, where the revenue is assessed according to the gross produce, without a measurement of the ground, the kesraut or difference between the old and newly established rods was not to be taken, as in these instances, the revenue payable to Government was not calculated on the extent of the ground, but on the gross quantity of the produce. It having appeared also that in the old nulls or lettas, (measuring rods or ropes,) the ryots had been defrauded by the aumils unduly shortening them, by subtracting from their length the mour or loops at each end, it was ordered that in ascertaining the difference between those new and old nulls or lettas, the full length of the old ones should be allowed in favor of those who pay the revenue, inclusive of the mour or loops.—*Reg.* II. 1795, *Sect.* 5.

kesraut or difference between the old and new nulls are to be taken into account.

Rule as to the mour or loops.

18. The rules passed on the 25th June 1788, (as contained in Section 3,) were approved by the Governor General in Council, on the 3d October of the same year, as preparatory to the establishment of a more regular system of assessing and collecting the revenue. With a view to the introduction of this system, the Resident was at the same time authorized to take upon himself the entire formation of the settlement for 1196. This settlement was accordingly made principally on the grounds of the reports of the canongoes, and their estimates of the actual produce, from the assul and abwaub, as the same stood in 1187 Fussily, (the rates of which year, were declared to be the standard according to which the payments of the ryots were to be regulated in future,) and the same accounts for 1195, or the latest assessment. These accounts exhibiting the assets of those two years, were compared with the douls or estimates of the assets of the then current year 1196, as delivered in by the canongoes. From these douls, the dehyek, or al-

Settlement of 1196 Fussily.

Benares.

Settlement of 1196 Fussily.

How fixed, and

the constituent articles of it.

lowance of ten per cent. to the aumil as his profits, and the charges of mofussil management; the several articles of deduction and remission coming under the heads of maafy and mujray; the amount of the nankar or allowances of the canongoes in the lands assigned to them in each pergunnah; and the half of the former bhuray, (i. e. the moiety thereof allowed to the aumils for charges of remittance,) being severally deducted, the residue of the gross assets, as contained in the doul or estimate of the canongoes, constituted the sum to be paid by the aumil to Government.—*Reg.* II. 1795, *Sect.* 6.

Abolition of the Government's moiety of the bhuray, and of the articles of nuzeranah and russoom khazanah, &c.

Benares.

as also the sujee mehal.

19. The other moiety of the bhuray mentioned in the preceding Section, (which had previously been collected on behalf of Government,) together with the article of nuzeranah and russoom khazanah, &c. were abolished, in the course of the arrangement of the settlement of this year, together with the farm of the manufacture of the earth called sujee, which had before been let on lease by the Rajah's officers.—*Reg.* II. 1795, *Sect.* 7.

Engagements of the aumils for 1196 Fussily, founded on the preceding rules and principles;

Benares.

20. A new form of cabooleat was at the same time ordered to be taken from all the aumils, in which the doul of the canongoes, and the deductions made therefrom on account of lands exempted from the payment of revenue, and the form of the new pottah for the ryots, were inserted. The aumils bound themselves to perform and abide by the several stipulations and prescriptions therein contained, as fundamental conditions of the settlement. They likewise engaged not to demand from the ryots any abwaub established since 1187; nor any abwaub for the canongoes allowances, or the banker's half of the bhuray, the latter article consisting, as specified in Section 6, of an allowance to the aumil to pay the charges of the banker through whom he made his remittances to the treasury. Both of these articles, viz. the cess hitherto levied from the ryots for the canongoes allowances, and the half bhuray in question, (the other moiety of the latter of which articles was relinquished by Government as specified in Section 7,) were abolished, and struck out of the settlement. It was at the same time provided, that the canongoes should be paid by Government from the collections, whilst the amount of the banker's portion of the bhuray, was granted as a deduction to the aumil, from the tushkees or funds stated in the doul or estimate of the canongoes, on which the agreement of the aumil with Government

was founded. On these principles, a general settlement of the zemindarry was made on leases partly for one, and partly for five years, in the proportion of nearly one third for the former, and of two thirds for the latter term.—*Reg.* II. 1795, *Sect.* 8, *Cl.* 1.

and settlements thereon made for the term of five and one year.

21. On the 12th of February 1789, a rule was published for determining the hukul tehseel, or commission on the collections made by farmers of villages relinquishing their engagements before the close of the year. This rule directed, that if the jumma payable by any such farmer to Government, did not exceed five thousand rupees per annum, be should not be entitled to, or receive any such commission, but be held accountable to his successor for the full amount which he had realized, or, where he was not succeeded by any new farmer, to the aumil; but that in the event of the annual jumma of such farmer exceeding five thousand rupees, he should be allowed a commission of five per cent. by the aumil out of his own dehyek, (or the commission of ten per cent. on the amount which he contracted to pay to Government,) so as in either case, to prevent the ryots from suffering by the change of village farmers, whose repeated intermediate commissions, had often been levied from them, by way of cess above their appointed foteh or rent, under the former native administrations in the zemindarry.—*Reg.* II. 1795, *Sect.* 8, *Cl.* 2.

Rule regarding hukul tehseel in case of change of farmers in the course of the year.

Benares.

22. For the guidance of the aumils in forming their mofussil settlements, (which took place from the beginning of the Fussily year 1196,) the following orders were issued on the 14th of June 1789, respecting the interior arrangements, to be adopted from the commencement of the second year of the term of the basis for five years.—*Reg.* II. 1795, *Sect.* 9, *Cl.* 1.

Subsidiary rules for the mofussil settlements.

Benares.

23. That the villages and lands should be let by the aumils to the zemindars, or hereditary landholders, and not to mere farmers, (excepting where no hereditary landholders remained,) on the douls or estimates of the revenue assets in each person's share in the lands let on a five years' lease, for the remaining four years thereof; but that where the hereditary zemindars refused to engage and give security for the payment of the amount of the canongoe's doul, their lands should be rented for the same term to farmers, and that the pottahs to be given according to the prescribed form, should contain the full amount to be paid on all accounts to the aumils, without any reservation

Reinstatement of the village zemindars.

Benares.

of a separate nuzeranah, or other demand.—*Reg.* II. 1795, *Sect.* 9, *Cl.* 2.

Rule prohibiting the re-admission of dispossessed aymadars.

Benares.

24. During the administration of the Nawaub Vizier, a sequestration was made of sundry ayma villages, several of the proprietors of which had obtained money assignments, and pensions in lieu thereof, one of which pensions also was afterwards resumed during His Excellency's government. In consideration of the long period which had elapsed since the dispossession of these aymadars, it was declared that if any of them should prefer claims to be restored to the lands which they before occupied, under their former grants, such claims would not be attended to or admitted.—*Reg.* II. 1795, *Sect.* 9. *Cl.* 3.

Benares.

Reasons for concluding a permanent settlement.

25. The settlement as made in 1196, for the period of one year and for five years, was approved of by the Governor General in Council, on the 17th of June 1789. The Resident was at the same time directed to endeavour to introduce into Benares, the system proposed for the permanent settlement of the province of Behar; having for its object, the ascertaining and limiting the demand of Government, and securing to its subjects in perpetuity, the quiet enjoyment of the fruits of their industry. The arrangements which had been adopted in Benares, were obviously inadequate for that purpose. The amount of the revenue realizable by the aumils from the ryots and under farmers, varied agreeably to the extent of the actual cultivation; and accordingly, the produce of the lands not being ascertainable until the rebby or second crop had ripened, the aumils collected in the mean time from their under-renters, (whether village zemindars, or farmers,) on account, until the arrival of the season for forming an estimate of the produce of the whole year, when the zemindars or farmers entered into cabooleats for the year. This mode of collection was productive of many disputes. When it appeared to the aumil, that his under farmers were unwilling to pay to him an adequate consideration for their farms, he of course became desirous of dispossessing them, and of either letting the farms to others, or of collecting the rents himself immediately from the ryots. This system tended to discourage agriculture, at the same time that it operated as a source of constant altercation between the aumils and the various competitors for village tenures, and consequently rendered it desirable to conclude separate mofussil settlements, formed under the sanction of Government, for each talooka and mo-

Source of disputes between the aumils and village renters, under the former system.

zah, or village, throughout the country paying revenue to Government.—*Reg.* II. 1795, *Sect.* 10.

Plan for forming the quartennial and decennial mofussil assessment.

Benares.

26. On the receipt of the orders of the Governor General in Council, of the 17th of June 1789, the Resident issued instructions to the aumils and canongoes, to proceed in the mofussil settlement, declaring it however subject to his revision and confirmation, as he had determined when the rebby or second crop should have been sown, to form an estimate of the revenue funds in each village, payable by the zemindars and farmers respectively, and to fix it for the four unexpired years of the five years' leases of the aumils, wherever those leases extended. This revision was appointed to take place in each pergunnah, in order that after the mofussil settlements for four years, beginning from 1197, should have been approved, it might be declared permanent for the same term as the settlement to be made for the period of ten years, throughout that portion of the district which was let on only an annual lease. This last part of the arrangement was to be executed more immediately under the personal inspection of the Resident on nearly the same general principles as had been prescribed by Government for the settlement of the province of Behar. On these preparatory measures being communicated to the Governor General in Council, it was resolved, that a settlement of the zemindarry of Benares should be formed for a period of ten years, agreeably to his resolutions of the 20th May, and 18th of September, 1789, regarding the settlement of the province of Behar.—*Reg.* II. 1795, *Sect.* 11.

Respecting village zemindars dispossessed previous to the Fussily year 1182 (A. D. 1775.)

Benares.

27. A material deviation however was unavoidably made from these resolutions. For Rajah Mahipnarain at that time declining, (although he subsequently acquiesced in the measure, as specified in Regulation I. 1795,) to consent to the restoration of the numerous class of village zemindars, who had been dispossessed, and reduced to the situation of cultivating ryots, during the administrations of the Rajahs Bulwunt Sing and Cheyte Sing, it became necessary to exclude from the benefit of the rights to be conferred by this decennial settlement, all those landholders who had been so dispossessed and reduced before the 1st of July 1775, (1182 Fussily,) the date of the final transfer of the sovereignty of Benares to the Company.—*Reg.* II. 1795, *Sect.* 12.

Rules for form-

28. For the purpose of forming this permanent settlement,

ing the permanent settlement.

Benares.

the Resident and his assistants, proceeded in November 1789, on different circuits, throughout the four Sircars composing the zemindarry of Benares, their object being, in respect to the quartennial mofussil settlements, to examine and revise the assessment, as proposed by the aumils and canongoes on the ground of the assul and abwaub up to the year 1187; and to correct such errors as should appear to have been made, either in the exclusion of persons entitled to be considered as zemindars, (consistently with the rule of exclusion specified in Section 12,) or in the allotment of the jumma, in the constituent parts of the total of the assessment of each district. This allotment was to be regulated, (as well as in regard to the quartennial as the decennial settlements,) as nearly as might be ascertainable, according to the ability of the respective villages, or puttees, (or shares or sub-divisions of villages) so as to admit of the zemindars and farmers realizing the revenue assessed in conformity to the revenue rates of 1187; and where a large proportion of the land remained waste and uncultivated, a gradual and moderate russud or increase, for the few first years of the term of the general leases was to be assessed, in consideration of the right of Government to some share in the advantages accruing to the renter by bringing the land into cultivation. It was farther provided, that the article of spirituous liquors, and the tax upon shop-keepers, dealers, and weavers, comprehended under the denominations of abkarry, ghur dewarry, and khergui, should be separated from the collections of the renters, and realized by the aumils of the respective districts, as far as those articles separately existed, but without attempting to extend them.—*Reg.* II. 1795, *Sect.* 13.

Russuds.

Articles of abkarry and ghur dewarry, and khergui, left amauny, and reserved to the future disposal of Government.

Government's confirmation of the settlement for the period of the lives of the pottah holders, and abolishing of the tax on weavers.

Benares.

29. The settlement thus concluded, was confirmed by Government, and extended to the lives of all the pottahdars, by an order of the Governor General in Council under date the 11th of February 1791, with the exception of the part of the ghur dewarry tax, described in Section 13, levied from the weavers under the denomination of khergui, which was abolished.—*Reg.* II. 1795, *Sect.* 20.

How the deeds for the settlement were issued and authenticated.

Benares.

30. In the manner above described, and with the assistance of the accounts of the tushkees for the preceding ten years, and such other accounts and local information as could be obtained through the canongoes or otherwise, the mofussil settlements for four and ten years were concluded. The pottahs for the

settlements for four years, were issued under the seals of the aumils, and numbered and countersigned in English by the Resident or his assistants; and those for the settlements for ten years, were authenticated by the signatures of the Rajah and the Resident. The cabooleats or engagements entered into by the village zemindars and farmers on the formation of the permanent settlement, bound them to an observance of the following articles.—*Reg.* II. 1795, *Sect.* 14, *Cl.* 1.

Engagements of the malgoozars on the conclusion of the permanent settlement.

31. To pay the stipulated annual revenue punctually from the month of Koar, (October) to Jeyte, (June) in each year; and agreeing in case of failure, that their property, real and personal, should be sold to make good the deficiency.—*Reg.* II. 1795, *Sect.* 14, *Cl.* 2.

Lands and property liable to be sold for balances.

Benares.

32. Not to attach, without the sanction of Goverment, any maafy, mujray, kishnarpun, or other description of lakheraje land in the possession of individuals, and held by them exempt from the payment of revenue, up to the end of the Fussily year 1195; and agreeing in the event of Government's resuming any part of such exempted lands, to pay the revenue assessable thereon, in addition to the jumma fixed by their engagements, and stipulating not to make any new grants of exempted lands, on pain of such lands being confiscated to Government, and of double the revenue assessable thereon being levied from the grantee or grantees, for the period during which such grantee or grantees should have continued in possession.—*Reg.* II. 1795, *Sect.* 14, *Cl.* 3.

Rule respecting lakheraje lands, or lands held exempt from the payment of revenue.

Benares.

33. To collect from the ryots according to the hookumnamas or regulation of the 25th of June and 1st of July 1788, referred to in Sections 3 and 4.—*Reg.* II. 1795, *Sect.* 14, *Cl.* 4.

General rule for the collections.

Benares.

34. To grant receipts to the ryots for their payments, under the penalty of a fine of double the amount, to be awarded to any ryot who should prove that he had been refused such receipt.—*Reg.* II. 1795, *Sect.* 14, *Cl.* 5.

Receipts.

Benares.

35. To support the canongoes in the full exercise of their functions.—*Reg.* II. 1795, *Sect.* 14, *Cl.* 6.

Registry of the canongoes.

Benares.

36. Not to levy or receive any of the articles of the abolished sayrjehaut, nor any sum on account of khaneh shoomary, (another term for the ghur dewarry or house tax,) or abkarry or distilleries, the collection of the two last mentioned articles, (as specified in Section 13,) having been separated from the general settlement, and committed on behalf of Government to the

Prohibition as to the sayrjehaut, and the house tax, and that on spirituous liquors.

Benares.

aumils. The penalty for breach of this article was fixed at three times the amount that might be illicitly collected.—*Reg.* II. 1795, *Sect.* 14, *Cl.* 7.

Responsibility in respect to thefts and robberies and to breaches of the peace.

Benares.

37. To be responsible subordinately to the aumil, for the maintenance of the peace, and for apprehending all disturbers thereof in and throughout their respective estates and farms; not to harbour thieves or robbers, but to secure their persons and deliver them up for trial, as well as to recover, or in failure thereof, to be answerable for, and to make good the value, of all property robbed or stolen within their respective limits.—*Reg.* II. 1795, *Sect.* 14, *Cl.* 8.

Broils, affrays, and murders.

Benares.

38. To send in for trial, accompanied by an attested report of the circumstances of the case, all parties concerned in broils, affrays, murders, or other breaches of the peace.—*Reg.* II. 1795, *Sect.* 14, *Cl.* 9.

To obey summonses.

Benares.

39. To obey all summonses or orders issued on the part of Government, on pain of incurring forfeiture of property, as for rebellion.—*Reg.* II. 1795, *Sect.* 14, *Cl.* 10.

Authority of the aumil as tehseeldar or collector, and hakim or magistrate.

Benares.

His responsibility in respect to the collection of the revenue assessed according to the settlement and not making further collections.

To carry into execution the stipulations with the village zemindars and farmers, and to cause pottahs to be issued to the ryots.

Revenue rates of 1187, may be lowered but not enhanced.

Receipts.

Tullubana.

40. On the conclusion of this permanent settlement, new engagements were also entered into with the aumils. By these engagements, their office was declared to be that of hakim or magistrate, and tehseeldar, or collector of the revenue ascertained by the pottahs issued to the village zemindars and farmers to be payable from their several aumildarries; and they rendered themselves responsible for the regular realizing the amount of this revenue, and bound themselves to abstain from levying any excess on their own account, to enforce the several stiplations with the landholders and farmers as set forth in Section 14; and to cause the village zemindars to issue pottahs to their ryots in conformity to the regulation of the 25th of June 1788, They were also vesetd with a discretionary authority to diminish, or to admit to be lowered, the revenue rates of 1187 Fussily, where the exaction of them might be found, under the actual circumstances of any part of the district, to operate to the oppression or distress of the present cultivators; but they were at the same time prohibited from enhancing the rates of the said year 1187, under any pretence whatsoever. They were further required to grant receipts for all payments of revenue made to them, on pain of being subject for refusal or omission, to such fine as the Resident should think it proper to impose; to regulate the rates of tullubana leviable on parties in arrear,

by the custom of the pergunnah, and to account for and pay the sum realized under this head to Government; and to refrain from the collection of any part of the sayer or gunge tolls or duties under the same penalty for disobedience, as the village zemindars and farmers are declared liable to in similar cases as specified in Clause Seventh, Section 15. They were also declared personally responsible to Government in the first instance in regard to the maintenance of the peace, and thefts and robberies committed within their respective aumildarries, under the rules prescribed in similar cases with respect to the zemindars and farmers in Clause Eighth, Section 14, with a right however to have recourse for their own indemnification, to the landholder or farmer, within whose limits the theft or robbery might occur.—*Reg.* II. 1795, *Sect.* 15, *Cl.* 1.

Abolished sayer and gunge duties.

Responsibility in regard to theft and robberies, and breaches of the peace.

41. In their capacities of hakims or magistrates, the aumils were instructed to apprehend and send in for trial, accompanied by the necessary information and evidence, all persons committing breaches of the peace; and in concert with the canongoes, to enquire into, and to decide, (subject to an appeal to the Resident, should either of the parties desire it,) according to the principles of the regulations of the 25th of June 1788, all complaints preferred to them regarding differences occurring between the zemindars, farmers, and ryots, relative to the malguzarry or revenue, with authority to refer, with the consent of the parties, other causes of a civil nature, respecting cast, marriage, shares in land, and debts, to be determined by arbitration; or, where both parties should not consent to this mode of adjustment, to desire them to repair to and institute their suits in the moolky dewanny adawlut, or provincial civil court established at Benares; to all orders and decrees issued from which, or from any other court of justice, or from the Rajah or the Resident, the aumils were required and agreed, on pain of dismission, to yield the most prompt obedience.—*Reg.* II. 1795, *Sect.* 15, *Cl.* 2.

To apprehend disturbers of the peace.

Benares.

42. It having afterwards appeared, that in several instances, the aumils had clandestinely availed themselves of their authority to procure deeds of conveyance in their own names or those of their relations, for lands the property of persons in arrears on account of the revenue, and whose balances had been thereby either wholly or partially liquidated, a rule was published on the 19th of September 1794, prohibiting and declaring null and void, all such conveyances that might be made in future;

Rule in respect to lands conveyed to aumils in liquidation of balances.

Benares.

and on the 31st of October following, a further rule was passed giving to all persons who might have thus disposed of their lands or to their heirs or putteedars, the option of suing for the recovery of them in a court of justice, at any time within five years from the date of such conveyances; and the parties so prosecuting were declared entitled to have the conveyances annulled, and to regain possession of the property, on repaying to the purchasing aumil or his heirs, the purchase money with simple interest.—*Reg.* II. 1795, *Sect.* 15, *Cl.* 3.

Rules for the confirmation or establishment of the rights of the zemindars and other landholders.

Benares.

43. The adjustment of the disputed claims to lands, formed one of the principal difficulties which occurred in the progress of the settlement. In many instances, contests existed between the putteedars or sharers in the same village, as to their respective proportions, or between claimants of different families to the same villages. In all these cases, it was observed as a general rule to confirm or admit those zemindars, who were either in the actual occupancy, or who had at any time been known to have had possession since the final transfer of Benares to the Company in 1775, (the zemindars dispossessed before which period, the Governor General in Council, on the 11th April 1788, determined should not be restored, in compliance with the objections which the Rajah then entertained to their restoration, but which he subsequently relinquished as stated in Section 12;) leaving those who might think themselves entitled to reinstatement under this rule, to seek redress in the moolky adawlut. But as it became necessary during the progress of the settlement, to pass orders, in a summary way, on disputes of this nature, it was explained to all parties, that the new pottahs were meant only to fix the rental, and in no wise to constitute a bar to the recovery of any proprietary right in land, for which suits might be instituted in the court of justice abovementioned, in the same manner as if no such pottahs had been granted. Instructions to this effect were issued to the judge of the court, and separate engagements were taken from all the present pottah-holders, whether zemindars or farmers, binding them to a ready attendance on, and submission to, the judicial authority of the said court, and the court of appeal, in respect to all such causes; and the aumils were prohibited from making alterations in the pottahs, excepting in conformity to judgments passed in both or either of those courts. The settlement thus concluded, consisted of engagements with zemindars for

In what proportion the settlement was concluded with

about eight-twelfths of the whole country; of leases to farmers for about three-twelfths; whilst the remaining twelfth, continued amauny, in consequence of there being found for the places included in the last mentioned portion, neither zemindars nor farmers; so that the aumils collected the public dues immediately from the ryots.—*Reg.* II. 1795, *Sect.* 16, *Cl.* 1.

zemindars and farmers.

44. Pursuant to the principles prescribed for this quartennial and decennial settlement, sundry village farmers having been removed during the progress of it, by the reinstatement of the rightful zemindars, a rule was published on the 21st of February 1790, for adjusting the accounts of the wassilaut or current year's collections between such parties. By this rule, the displaced farmers were entitled to credit for the amount of whatever tuccavy, (money for the purchase of seed,) they might establish to have advanced to the ryots; together with a commission of three per cent. (whatever might be the extent of the farm) on the amount of the revenue realized. The amount of this charge was to be borne altogether by the reinstated zemindar, without his being entitled to make any demand on that account from his ryots, who were only to repay to him the amount of the tuccavy that had been really advanced to them by the removed farmer. But such farmer was not to be allowed credit for the amount of any bonds or engagements executed by ryots for sums stated to be advanced for tuccavy, but which should in reality have been taken from them for the balances of former years, which were thence virtually declared irrecoverable.—*Reg.* II. 1795, *Sect.* 16, *Cl.* 2.

Rule for the adjustment of accounts between zemindars recovering possession from farmers.

Benares.

45. The landholders in the zemindarry of Benares consist for the most part of village zemindars, paying the revenue of their lands to Government, jointly with one or more putteedars or partners, descended from the same common stock. Some of these putteedars have had their interior puttees or shares rendered distinct; whilst those of the major part, still continue annexed to, and blended or in common with, the share or shares of the principal of the family, or of the headmen amongst the brethren, being either one or more, whose names have been usually inserted in the pottahs, cabooleats, and other engagements for the public revenue. With the general consent of the inferior putteedars, this mode was adhered to in the aforesaid settlement, leaving an option to such putteedars as might then or afterwards think themselves aggrieved, or be

Description of a zemindarry under the permanent settlement, and of the joint putteedarry tenures therein comprehended, with the differences in respect to the latter as being either distinct or remaining annexed and blended or in common.

Benares.

desirous of separating from their brethren, to prosecute for that purpose in the adawlut. By this mode of procedure, they may obtain a separation of their family share of the estate, and procure a separate pottah subject to the payment of a proportionate part of the jumma assessed on the joint estate; but in the mean time, those of the brethren whose names stand inserted in the Government's pottah, are held and considered to be immediately responsible through the aumils to Government for the whole of that jumma. The only exception to this general rule, exists in the pergunnah of Kurrendeh, where the decennial settlement could only be concluded by a considerable number of these zemindars being admitted to enter into cabooleats, in which they themselves agreed to the nomination of certain persons to act on their joint parts, under the description of serberakars or managers. This expedient was acquiesced in under the condition that the responsibility of the zemindars should remain undiminished, and that they might, whenever they pleased, dismiss these agents, after adjusting accounts with and satisfying them, as to any balance that might be justly due to them.—*Reg.* II. 1795, *Sect.* 17, *Cl.* 1.

Serberakars or managers, in the pergunnah of Kurrendeh.

Talookdarry tenures in Benares.

Benares.

46. There are also many talookdarries within the four circars composing the zemindarry of Benares, which have depending on them, a greater or less number of village zemindars, many of whom still retain the right of disposing by sale of their own estates, subject of course to the payment of the usual jumma to the talookdar, and to the conditions specified in Clause Ninth, Section 35, Regulation XXII. 1795.* The settlement of Government has been concluded (on the same principles as are prescribed respecting the zemindarries,) with these talookdars, who are left to assess their village zemindars, either in proportion to their own sudder jumma, with some addition for charges of management, or according to the extent and value of the produce, as local custom, or the good will of the parties may direct.—*Reg.* II. 1795, *Sect.* 17, *Cl.* 2.

Rules for ascertaining the right to independance or separation, in the case of village zemindars paying their revenue through a Talookdar.

* [In the event of a talookdar, previous to the period limited for the general restoration of landholders in Section 15, having taken in farm any part of, or the entire lands of another proprietor, who shall have since continued to pay the revenue of such lands to the said talookdar, or through such talookdar to Government, the landholder so situated, shall not be entitled to be rendered independent of such talookdar, unless he shall have paid his revenue separately from such

superior, during one complete year, within the period limited in Section 15.—*Reg.* XXII. 1795, *Sect.* 35, *Cl.* 9.]

Particular circumstances of the pergunnah of Burhur Agowrie;

Benares.

47. The circumstances of the pergunnah of Agowrie Burhur in the circar of Chunar, constitute in some degree a deviation from the rule observed in the general settlement. This pergunnah appertained to its separate Rajahs, until they were expelled by Rajah Bulwunt Sing. Their descendants appearing, and having performed some public services in 1781, Government ordered that Rajah Adil Shah, their then representative, should be restored. This order appearing afterwards to be repugnant to the principle of the general settlement concluded with the Rajah Mahipnarain Sing, the tenure of the family of Adil Shah, was, by an order of Government under date the 11th of April 1788, limited to the period of his natural life, during which, the interior settlement of the pergunnah, was, with his consent, and under his seal and the Resident's signature, made with the talookdars and zemindars, most of whom were of his own blood and lineage; or with the birteeas, being the persons on whom his ancestors had conferred grants of lands; or with gherrooas, being such persons, as he or his ancestors had put in possession of lands on mortgage. These several descriptions of landholders, are considered as having a permanent interest in their tenures, which have therefore been included in the general account of the settlements concluded with zemindars. The remainder of the pergunnah has been let to farmers, on the conditions common to the rest of the four circars. Rajah Adil Shah subsequently dying, Government, with the acquiescence of Rajah Mahipnarain, permitted his heirs to succeed him in the pergunnah, in the permanent settlement of which, however, they are restricted from making any alterations or innovations equally with the other aumils or tehseeldars.—*Reg.* II. 1795, *Sect.* 17, *Cl.* 3.

and of the pergunnah of Beleeah in the circar of Ghazeepore;

Benares.

48. The pergunnah of Beleeah in the circar of Ghazeepore, is similarly circumstanced, as to the expulsion of its Rajahs by Rajah Bulwunt Sing, and the intended restoration of Bhowayel Deo, their present representative. But his reinstatement having never taken place, he is allowed to live in the pergunnah, on a pension, which he receives from Government: and the settlement has been made with such of his family, and of those Rajahs of Beleeah, who preceded it, as could make out pretensions to permanent tenures or estates; and where such preten-

sions could not be established, or were not preferred, the settlement has taken place with the mokuddums, or those of the principal ryots who had long paid the revenue of their present tenures, being the villages of which they are inhabitants; it being meant that these mokuddumy tenures should be considered equally permanent, and be liable to the same conditions as those of the zemindars: and where neither of these descriptions of persons, could be found, the villages were let to farmers, excepting such part of them as for want of farmers, remained amauny.—*Reg.* II. 1795, *Sect.* 17, *Cl.* 4.

and of the talooka of Mujehwa in the pergunnah of Kuswar or Gungapoor;

Benares.

49. The zemindarry part of the talooka of Mujehwa in the pergunnah of Kuswar and circar of Benares, has been let out in separate portions, under the seal of Phelwaun Sing, (the principal talookdar, and who was acting at the same time as aumil and collector on the part of Government,) and the confirmatory signature of the Resident, or of his assistant, to Phelwaun Sing himself and his relations; he being subject to the same restrictions with regard to making alterations in the settlement without the sanction of Government, as are imposed on the heirs of Rajah Adil Shah in the pergunnah of Burhur Agowrie, as specified in Clause Third.—*Reg.* II. 1795, *Sect.* 17, *Cl.* 5.

and of the talooka of Kernadanry in the same pergunnah.

Benares.

50. In the settlement of Kernadanry in the pergunnah of Kuswar or Gungapoor, there is this peculiarity, that after the conclusion of it, Rajah Mahipnarain objecting to pottahs being granted by the Resident to the parties with whom it was made, on the ground that the talooka in question formed part of his family zemindarry of Gungapoor; it was in consequence settled between the Rajah and the Resident in October 1794, that although in consideration of the Rajah's objections, the malguzars of this talooka of Kernadanry, should not receive pottahs from Government, in exchange for the cabooleats they had entered into, the Rajah, (who is their tehseeldar or collector,) should not dispossess any of them without the sanction of the officers of Government, and in the event of complaints for exaction, that the case should be open to the same mode of enquiry, as is established for similar complaints arising in the malguzarry lands in general; so as to continue the above-mentioned talooka in this respect distinct from the neej or family zemindarry lands of the Rajah. These family lands consist of the jaghires of Budhoee, and of Kera Mungrore, and of the Rajah's part of the pergunnah of Kuswar or Gungapoor, inclu-

sive of the talooka of Kerowna, and in consequence of objections offered by the Rajah, no mofussil or interior settlement has been made in them by the authority of Government; and the administration of justice in all matters relating to their revenue, is specially provided for in Regulation XV. 1795.—*Reg.* II. 1795, *Sect.* 17, *Cl.* 6.

[This Section is modified by Reg. VII. 1828, which is given in Sect. 3, of this Chapter.]

As to the pergunnah of Lucknesr.

Benares.

51. The pergunnah of Lucknesr, in the circar of Ghazeepoor, is inhabited by a race of Rajepoots, distinguished by the appellation of Singhers, who pay a moderate fixed revenue, (which they assess among themselves,) to the tehseeldar or native collector stationed with them on the part of Government, whose allowances they separately defray; and as neither the native nor the British Government, had interfered with the interior assessment of this pergunnah, it was not included in the general arrangements that took place at the period of the quartennial and decennial settlements.—*Reg.* II. 1795, *Sect.* 17, *Cl.* 7.

Peishcushy villages in the circar of Juanpore.

Benares.

52. In the pergunnah of Juanpore proper, and in that division of this circar called the Buksheeat, there are a certain number of villages held by Mahomedans, in virtue of altumgha, muddud maush, or jaghire grants, from the emperor or from the soubahdars of Oude, but on which a peishcush by way of quit rent, was established during the administration of the native Government. These peishcushy tenures were continued at the period of the permanent settlement.—*Reg.* II. 1795, *Sect.* 17, *Cl.* 8.

Singrowlee.

Benares.

53. That part of the tract of country called Singrowlee, situated to the southward of the Soane river, which extends as far as the Belea rivulet, is tributary to the zemindarry of Benares, whilst the tract of the same district that lies beyond the Belea, pays tribute to the independent Rajah of Burdee.—*Reg.* II. 1795, *Sect.* 17, *Cl.* 9.

Salt farms.

Benares.

54. The districts in the circar of Juanpore, in which salt is produced and manufactured, were let in farm either inclusive of the land revenue, or separately.—*Reg.* II. 1795, *Sect.* 18.

Provision made for the pottahdars becoming huzoory in case of oppression on the part of the amil.

55. In consideration of the habits prevalent amongst the newly restored body of zemindars on their first reinstatement, it was thought advisable to continue them, at least for a period,

Benares.

under the superintendency of the aumil of Government, both in respect to the police, and the payment of the revenue. But at the same time to provide against exactions being made from them by the aumils, it was, in addition to the penalty specified in Section 2, declared a rule, that all persons holding pottahs of Government who might prove any oppression against their respective aumils, should thereupon have the option of becoming huzoory, that is, to pay their own revenue directly to the public treasury, without the intervention in any shape of the agency of the aumil.—*Reg.* II. 1795, *Sect.* 19.

Resident's proceedings from the beginning of 1202, or 1794-5, towards restoring the defective parts of the permanent settlement.

Benares.

56. The first period of the quartennial settlement having expired with the Fussily year 1200, several farmers and some of the landholders, not choosing to avail themselves of the privilege of retaining their leases during their lives, as granted to them by the order of Government of the 11th of February 1791, the lands which they held consequently became amauny. The death of renters, the abuses occasionally practised by the aumils, and the over-assessment of some places, had occasioned vacancies in other tenures, during the several years that had elapsed since the conclusion of the general settlement. In consequence of instructions from Government under date the 19th of September 1794, the Resident proceeded to re-adjust the settlement of the lands which had been included in these leases, by restoring such of the renters as appeared to have been unduly dispossessed; by admitting the heirs of parties deceased; or reinstating the ancient zemindars, both in lands relinquished by farmers, or which had remained amauny in the hands of the aumils; and finally, by adopting means to improve the cultivation preparatory to issuing new permanent leases (which were accordingly granted,) to the landholders and farmers in the pergunnah of Nerwun, Dhoos, and Chowunsa, the settlements made in which places in 1197, had in general failed, owing to the lands being too highly assessed, and to drought and other calamities of season. The settlement of Suktes Ghur, also being in a similar predicament, was renewed by the Resident in the month of October 1792; and the experience of several years having evinced that some part of the pergunnah of Zemanea, in the circar of Ghazeepore, had been too highly assessed, adequate abatements were in consequence allowed. —*Reg.* II. 1795, *Sect.* 22.

New settlement made in the pergunnahs of Nerwun, Dhoos, and Chownsa, and in the tuppeh of Suktes Ghur; and that of Zemanea corrected.

Aumils prohibit-

57. In the beginning of the Fussily year 1202, a circular or-

der, under date the 1st of November, 1794, was issued to all the aumils, prohibiting them under penalty of dismission from their aumildarries, from displacing or dispossessing any person holding a pottah from Government, without the assent of the Resident; and on the 20th of July 1795, circular instructions were transmitted to the canongoes, enjoining them to report without delay, the death of all such pottah-holders, that no lands might remain amauny under the aumils, without the knowledge of Government.—*Reg.* II. 1795, *Sect.* 23.

ed from dispossessing the pottah-holders; and canongoes, directed to report the names of all deceased persons of this class.

Benares.

58. In Section 19, it has been stated, that it was an original regulation of the general settlement concluded in 1197, that proof of the aumil having made undue exactions from, or otherwise oppressed, any of the landholders or farmers holding pottahs, and paying revenue to Government, should entitle such injured party or parties to become huzoory, i. e. to pay their revenue into the treasury at Benares, instead of through the medium of the aumil. But for the more effectual protection and security of such pottah-holders, an option of thus becoming huzoory, was given from the beginning of the Fussily year 1202, by a publication issued under date the 3d of October 1794, to all such pottah-holders as should previously enter into the required maal, feel, and hazer zaminee, or security for the punctual discharge of their revenue, for their peaceable deportment, and for their appearance whenever their attendance may be required. To enable them to procure these securities, they were allowed by the publication, one moiety of the aumils dehyek and bhuray, on the amount of the revenue payable by them. This publication was sanctioned by the Governor General in Council under date the 19th of September 1794; but from the op ration of it were excepted the lands under the Rajah and his family, comprehending not only the places specified in Clause Sixth, Section 17, but those also of which he holds the aumildarry or collectorship, viz. the pergunnah of Ralhoopoor, and the talooka of Jahloopoor, and those villages in the vicinity of Benares called the dehaat-amanut: But in case of oppression proved, the pottahdars of these last mentioned places, and of all other muhals under the Rajah, in which the settlement has been made by Government, are entitled in virtue of the original rule contained in Section 19, to become huzoory. The difference therefore between these aumildarry muhals under the Rajah, and the rest of the coun-

Option of becoming huzoory, that is of paying their revenue directly to Government extended generally to all the land and leaseholders.

Benares.

Encouragement held out to become huzoory.

Exception to this rule, in respect to the Rajah's aumildarry districts.

try at large, consists in it not being merely optional with the pottahdars, to separate from him under the publication above specified in this section. As to the administration of justice in these aumildarry muhals under the Rajah, the jurisdiction of the courts of judicature extends over them in common with the country at large, and consequently they do not form a part of the Rajah's neej or family lands, the administration of justice in which is provided for by Regulation XV. 1795.—*Reg.* II. 1795, *Sect.* 24.

Qualification of this exception.

Such parts of Section 24, Regulation II, 1795, or any other regulation relating to security for zemindars in Benares on becoming huzoory, rescinded.

Benares.

59. Such part of Section 24, Regulation II. 1795, and of any other section of that or of any other regulation in force in the province of Benares as requires that security shall be taken from the zemindars on their becoming huzoory, either for their personal appearance, or for their peaceable deportment, or for the punctual discharge of their revenue, is hereby rescinded; and no such security shall be required or taken in future; the lands themselves being deemed sufficient security for the public revenue, and the zemindars being of course amenable to the general laws of the country, for their peaceable and proper demeanour. Such part of Section 24, Regulation II. 1795, as directs, that the zemindars in the province of Benares shall be entitled to a moiety of the aumils dehyek and bhuray, to enable them to furnish the said security, is likewise hereby rescinded.—*Reg.* VII. 1807, *Sect.* 2.

Zemindars on becoming huzoory, shall have no claim to any part of the dehyek and bhuray.

Benares.

60. Whenever any zemindar shall become huzoory after the promulgation of this regulation, he shall pay the amount of the revenue specified in the engagements contracted by him with Government, directly to the treasury of the Collector, and shall not be considered to have any claim upon Government on account of the moiety of the dehyek and bhuray mentioned in the preceding section, or on account of any part thereof.—*Reg.* VII. 1807, *Sect.* 3.

Zemindars desirous of becoming huzoory, shall apply to the Collector who shall comply with the application, if no objection exists. Rules in cases of objection.

Benares.

61. Whenever any zemindar may be desirous of paying his revenue directly to the Collector's treasury, the Collector shall immediately comply with the application, unless he may be of opinion, that in consequence of the situation of the lands, or of other circumstances, public inconvenience will be experienced from that arrangement; in which case, he shall furnish the Board of Revenue with the necessary report on the subject, who are hereby empowered to determine, whether the zemindar shall in future pay his revenue directly to the treasury of

the Collector, or through the medium of the tehseeldar, as heretofore.—*Reg.* VII. 1807, *Sect.* 4.

Zemindars becoming huzoory, to be responsible for the apprehension of offenders and the support of the police within the limits of their estates.

Benares.

62. Whenever a zemindar may become huzoory, he shall be considered responsible directly to the Magistrate for the apprehension of public offenders, and for the support of the police generally within the limits of his estate. This provision of course supersedes such of the rules at present in force in the province of Benares, as subject the zemindars in the discharge of that duty to the control of the tehseeldars. In other respects, the provisions in question respecting the duties to be performed by the zemindars in the maintenance of the peace within their respective estates and the responsibility which attaches to them on that account are to be considered to be in full force and effect.—*Reg.* VII. 1807, *Sect.* 5.

Tehseldars not entitled to the dehyek and bhuray in such estates.

Benares.

63. As the tehseeldars will, by the operation of the foregoing rules, be relieved from all duty and responsibility, with respect to the support of the police within the limits of estates which may henceforward become huzoory, they will not of course be considered entitled to any part of the dehyek and bhuray, at present receivable by them on account of such estates.—*Reg.* VII. 1807, *Sect.* 6.

Regulation relative to disputes between putteedars.

Benares.

64. For determining questions concerning lands between putteedars or brethren, and partners, inheriting and being or pretending to be, entitled to joint or distinct proportions of one zemindarry, it has been observed as a general rule since the conclusion of the permanent settlement, to consider as superior, and immediately responsible to Government, the person or persons amongst such putteedars, in whose name or names the Government's pottah has been made out, and to continue the other putteedars, or partners, in such situation as they shall have stood in, since the Fussily year 1197, leaving them if dissatisfied with such order, to prosecute in the adawlut for any further claims.—*Reg.* II. 1795, *Sect.* 25.

Practice in respect to the stipulations in Section 14, for recovering balances by the sale of the lands of defaulting proprietors.

Benares.

65. The right of Government to dispose of landed property at public sale for the recovery of balances of revenue, is established by the tenor of the engagements of the Zemindars, as noticed in Clause Second, Section 14; but in consideration of the local usages in that respect in the province of Benares, no such sales have hitherto taken place.—*Reg.* II. 1795, *Sect.* 26.

Regulations in

66. At the period of the settlement concluded in 1197 Fus-

respect to the future periodical ascertainment of the value of the lands remaining amauny.

Benares.

sily, the aumils pledged themselves in writing, and on the faith of their religion, to collect only according to the jumma specified in the pottahs issued to the talookdars and village zemindars and farmers, and to pay in the whole amount thereof to Government, after deducting the dehyek, and half bhuray. But there then were, and have since remained, several spots of ground and mozahs or villages, of which no fixed settlement having been made, the collection of the amount of the tushkees or ascertained funds which the canongoes estimated to be realizable therefrom, was entrusted to the aumils. These funds had of course varied during the period that had elapsed since the conclusion of the settlement; and several of the aumils on the expiration of their five year's leases at the close of the year 1200, claimed and received deductions from Government for alleged deficiencies in the funds of those amauny villages; whilst on the other hand, where the actual had exceeded the estimated receipts, it was presumable that the aumils or their officers had appropriated the surplus. From these considerations, and as the funds in the amauny or kham villages appertained altogether to Government, (the aumils being entitled only to their dehyek and bhuray,) the Resident on the 12th of January 1795, published an order, that from the beginning of the Fussily year 1202, the tushkees of the amauny or kham or cutcha villages, in every purgunnah, was to be ascertained by aumeens, or other persons empowered for that purpose, on the part of Government, and that the amount of the funds after deducting the dehyek and bhuray, was to be paid by the aumils to Government.

Aumeens deputed to ascertain their present state.

Aumeens were accordingly deputed on the above-mentioned date to ascertain the state of these lands, with instructions, to summon the putwarries of every village, and in the presence of the canongoes, and of the officers of the aumil, to ascertain the tushkees or assessable amount on each village and spot then held amauny, in conformity to the rye or rates of 1187; and afterwards to prepare and bring with them, the state of the jumma bundy of each village under the attestations of the canongoes, and the signatures of the putwarries, and the counter signatures of the officers of the aumils, that the payments of the aumils to Government might be regulated accordingly. The aumeens were likewise instructed, that if, in the course of their enquiries, it should appear, that any of the aumils had granted pottahs to their dependants, in any of these amauny

lands, at lower rates than those of the pergunnah or division in which they might be situated, such pottahs so granted by them were to be declared null and void, the aumils not having been empowered to dispose of any part of the revenue funds, but since the settlement in 1197, having been merely tehseeldaran neshandar, or responsible collectors.—*Reg.* II. 1795, *Sect.* 27.

Situation of the aumils as responsible tehseeldars or collectors.

67. Inconveniencies having been experienced, from the applications made to the Resident for grants exempting from the payment of revenue, spots of ground in the vicinity of the city of Benares, on their being purchased by the native princes of India, or by wealthy natives, to convert into gardens or places of religious worship, the Governor General in Council determined on the 28th July 1794, that no such grants should be made by the Resident without the sanction of Government.—*Reg.* II. 1795, *Sect.* 28.

Rule in respect to applications to obtain grants of spots of ground in the vicinity of Benares exempted from the payment of revenue for temples and gardens.

Benares.

SECT. II.

Further Rules regarding the Permanent Settlement in Benares.

68. Regulations I. and II. 1795, contain the rules according to which the settlement of the land revenue in the province of Benares, made for one year, and the quartennial and decennial settlements were concluded. By the first-mentioned regulation, the decennial settlement, has been declared permanent, and for the information and guidance of the talookdars, zemindars, and other actual proprietors of land, and all persons whomsoever, the following further rules respecting the permanent settlement are enacted.—*Reg.* XXVII. 1795, *Sect.* 1.

Benares.

69. As the lands of some few zemindars, and other actual proprietors of land, may have been continued amauny, or let in farm, in consequence of their refusing to pay the assessment required of them under the regulations for the quartennial and decennial settlements the Governor General in Council notifies to the talookdars, zemindars, and other actual proprietors of land, whose lands are held amauny, that they shall be restored the management of their lands, upon their agreeing to the payment of the assessment which has been, or may be required of them, in conformity to the regulations above-mentioned, and that no alteration shall afterwards be made in that assessment, but that they, and their heirs, and lawful successors, shall be permitted

Jumma which may be hereafter agreed to by proprietors whose lands are held amauny, or let in farm, declared fixed for ever.

Benares.

to hold their respective estates at such assessment for ever; and he declares to the talookdars, zemindars, and other actual proprietors of land, whose lands have been let in farm, that they shall not regain possession of their lands, before the expiration of the period for which they have been farmed (unless the farmers shall voluntarily consent to make over to them the remaining term of their leases and the Governor General in Council shall approve of the transfer) but that at the expiration of that period, (1) or in the event of any such farmer or farmers forfeiting his or their leases by falling in arrear, or otherwise, such proprietors of land shall be reinstated on their agreeing to the payment of the assessment which may be required of them, or, (according to the nature of the case) to the conditions with respect to the arrear that may be due, as specified in Clause First, Section 18, Regulation VI. 1795, and no alteration shall afterwards be made in the said fixed annual assessment, but such proprietors of land, and their heirs, and lawful successors, shall be allowed to hold their respective estates to such assessment for ever.—*Reg.* XXVII. 1795, *Sect.* 2.

Jumma at which lands belonging to Government may be transferred to individuals, declared fixed for ever.

Benares.

70. In the event of the proprietary right in lands that are, or may become, the property of Government, being transferred to individuals, such individuals, and their heirs, and lawful successors, shall be permitted to hold the lands at the assessment at which they may be transferred for ever.—*Reg.* XXVII. 1795, *Sect.* 3.

Proprietors expected to improve their estates, in consequence of the profits being secured to them.

Benares.

71. The Governor General in Council trusts that the proprietors of land, sensible of the benefits conferred upon them by the public assessment being fixed for ever, will exert themselves in the cultivation of their lands, under the certainty that they will enjoy exclusively the fruits of their own good management and industry, and that no demand will ever be made upon them, or their heirs, or successors, by the present, or any future Government, for an augmentation of the public assessment, in consequence of the improvement of their respective estates.—*Reg.* XXVII. 1795, *Sect.* 4, *Cl.* 1.

Conduct to be observed by the proprietors of land towards their putteedars, under renters, and ryots.

Benares.

72. To discharge the revenue at the stipulated periods without delay or evasion, and to conduct themselves with good faith and moderation towards their putteedars, under renters, and ryots, are duties at all times indispensably required by Government from the proprietors from whom the revenue is immediately receivable, and a strict observance of those duties is now

more than ever incumbent upon them, in return for the benefits which they will themselves derive from the orders now issued. The Governor General in Council therefore expects, that the aforesaid proprietors of land will not only act in this manner themselves towards their putteedars, under renters, and ryots, but also enjoin the strictest adherence to the same principles in the persons whom they may appoint to collect the rents from them, in whatever instances there may be occasion for such delegation of trust.—*Reg.* XXVII. 1795, *Sect.* 4, *Cl.* 2.

Government to enact such regulations as they may think necessary for the welfare of the putteedars, under renters, ryots, and cultivators, and proprietors not to withhold the revenue on that account.

Benares.

73. It being the duty of the ruling power to protect all classes of people, and more particularly those, who from situation are most helpless, the Governor General in Council, whenever he may deem it proper, will enact such regulations as he may think necessary for the protection and welfare of the putteedars under renters, ryots, and other cultivators of the soil, and no talookdar, zemindar, or other proprietor of land, shall be entitled on this account to make any objection to the discharge of the fixed assessment, which they may have respectively agreed to pay.—*Reg.* XXVII. 1795, *Sect.* 5, *Cl.* 1.

All internal duties that may be hereafter established to belong exclusively to Government.

Benares.

74. The Governor General in Council having on the 26th December 1787, directed the sayer collections to be abolished and a subsequent settlement having been made with the proprietors of land exclusive of the articles of collection given up by that abolition; he now declares, that if he shall hereafter think it proper to re-establish the sayer collections, or any other internal duties, and to appoint officers on the part of Government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.—*Reg.* XXVII. 1795, *Sect.* 5, *Cl.* 2.

Jumma that may be assessed on alienated lands and under invalid titles, to belong exclusively to Government.

Benares.

75. The Governor General in Council will impose such assessment as he may deem equitable, on all lands at present alienated and paying no public revenue, which have been, or may be, proved to be held under illegal, or invalid titles. The assessment so imposed will belong to Government, and no proprietor of land will be entitled to any part of it.—*Reg.* XXVII. 1795, *Sect.* 5, *Cl.* 3.

Police lands eventually resumable by Government.

Benares.

76. The jumma of those zemindars, talookdars, and other actual proprietors of land, which is declared fixed in the foregoing articles, is to be considered entirely unconnected with, and exclusive of, the produce of any lands set apart for the

maintenance of pheris, passees, ghorites, or other description of watchmen, employed in services of police; and the Governor General in Council reserves to himself the option of resuming the whole or part of the produce of such lands, should he at any time hereafter think fit to exonerate the proprietors of the land from being responsible for the peace, and to appoint officers on the part of Government, to perform the duties relating to the police now required from them. The Governor General in Council however declares, that the produce of lands which may in that case be resumed, will be appropriated to no other purpose but that of defraying the expence of the police, or providing a maintenance for the pheris, passees, ghorites, or other description of watchmen, employed therein.—*Reg.* XXVII. 1795, *Sect.* 5, *Cl.* 4.

Allowances that may be so resumed, not to be added to the jumma, but to be collected separately, and applied solely to the police.

77. Nothing in this or any other regulation, shall be construed to render the lands, of which there are dispossessed proprietors, liable to sale, for any arrears which have accrued, or may accrue, on the jumma that has been or may be assessed upon their lands, under the regulations for the quartennial and decennial settlements, provided that such arrears have accrued, or may accrue, during the time that they have been or may be, dispossessed of the management of their lands. It is to be understood, however, that whenever all or any of the descriptions of dispossessed land-holders, shall be permitted to assume or retain the management of their lands, in consequence of the ground of their dispossession no longer existing, or of the Governor General in Council dispensing with altering or abolishing those regulations, the lands of such proprietors, will be held responsible for the payment of the jumma that has been or may be assessed upon them in perpetuity, from the time that the management may devolve upon them.—*Reg.* XXVII. 1795, *Sect.* 5, *Cl.* 5.

Estates of dispossessed proprietors, not liable to sale for arrears of assessment accruing whilst they are deprived of the management of them.

Benares.

78. That no doubt may be entertained, whether proprietors of land are entitled under the existing regulations, to dispose of their estates without the previous sanction of Government, the Governor General in Council notifies to the talookdars, zemindars, and other actual proprietors of land that they are privileged to transfer to whomsoever they may think proper, by sale, gift or otherwise, their proprietary right in the whole or any portion of their respective estates, without applying to Government for its sanction to the transfer; and that all such transfers

Proprietors declared privileged to transfer their lands, without the sanction of Government.

Benares.

Provided the

will be held valid, provided that they be conformable to the Mahomedan or Hindoo laws, (according as the religious persuasions of the party or parties making such transfer may render the validity of it determinable by the former or the latter code,) and that they be not repugnant to any regulations now in force, which have been passed by the British administrations, or to any regulations that they may hereafter enact.—*Reg.* XXVII. 1795, *Sect.* 6.

transfer be conformable to law, and not contrary to any existing regulation.

[Then follow the Rules for apportioning the fixed jumma on portions of estates, which correspond exactly with those enacted for Bengal, CHAP. I. Par. 19, 20, 21, 22, 23, with this exception, that the latter Clause of Par. 19, beginning with "The Governor General in Council thinks it necessary further to notify"—and ending with "any more than if it had never taken place," is omitted in the Benares Regulation.]

79. Nothing in this or any other regulation, passed previous to, or on, this date, shall be construed to authorize the public sale of the lands in any talookdarry, or zemindarry, whilst the party or parties, claiming the same as the ancient proprietors, continue to stand excluded under the limitation specified in Section 12, Regulation II. 1795; or until by the operation of the repeal of that limitation under Section 3, Regulation I. 1795, or in pursuance of the consequent provision in Section 18, Regulation VI. 1795, or some other consonant rule, made, or that shall hereafter be made, in consequence of the said repeal, such party or parties, shall have been restored to the management of the revenue of his or their respective talookdarries, or zemindarries.—*Reg.* XXVII. 1795, *Sect.* 8.

Land, of ancient proprietors standing dispossessed under Section 12, Reg. II. 1795; not to be liable to be disposed of at public sale.

Benares.

SECT. III.

Special Rules regarding the Jagirs of Bhurdoee, Kera Mungrore and part of Kuswar, forming the Rajah's family Zemindarry.

80. Clause Sixth, Section 17, Regulation II. 1795, Section 8, Regulation V. 1795, and Regulation XV. 1795, are hereby declared subject to the following modifications.—*Reg.* VII. 1828, *Sect.* 2.

Clause Sixth, Section 17, Regulation II. 1795, Section 8, Regulation V. 1795, and Regulation XV. 1795, modified.

Benares.

81. The superintendence of the muhals above-mentioned shall be vested in such officer as the Governor General in

The superintendence of Bhurdoee and other muhals,

constituting the family domain of the Rajah of Benares, to be vested in such officer as the Government may appoint.

Benares.

Council may, from time to time, by an order in Council, appoint.—*Reg.* VII. 1828, *Sect.* 3.

The administration of justice in matters connected with revenue to be conducted through the agency of the Rajah.

Proviso.

Benares.

82. The administration of justice, in all matters connected with the revenue, shall continue to be conducted through the agency of the Rajah, under the restrictions herein provided, but the reservation of this privilege shall not be understood as divesting the population of any of the rights and interests connected with the occupation, possession, or transfer of land, whether by sale, gift, or inheritance, or the produce of it, which immemorially belong to them, and are enjoyed by similar classes throughout the rest of the province.—*Reg.* VII. 1828, *Sect.* 4.

A detailed settlement of the lands to be made by the Rajah, under the general rules in force.

Benares.

83. No mofussil or detailed settlement having been formed within the muhals in question by the authority of Government, the assessment of the land, and the settlement of the several villages comprised in them, shall be made through the channel of the Rajah, who is to be guided in all matters relative thereto by the general rules in force within the province of Benares, applicable to such cases.—*Reg.* VII. 1828, *Sect.* 5, *Cl.* 1.

Rules for selecting the parties to be admitted to engage for the payment of the revenue.

Benares

84. In the selection of parties to engage, those individuals shall be considered entitled to preference, who, had a detailed settlement been extended to these muhals, under the Regulations of 1795, would have been recognised as zemindars. Such individuals shall be recorded, under the designation of Raees, and the tenures so belonging to them, shall be considered heritable and transferable, subject to the conditions in regard to the payment of the jumma assessed upon them, and under which they may be admitted to engagements. When there may be no Raees entitled to claim admission, or where the latter may refuse to engage on just terms, the settlement shall be made for a fixed period with farmers, unless the Rajah should prefer making a ryotwarry settlement, and collecting the public dues, through his own officers, immediately from the ryots.—*Reg.* VII. 1828, *Sect.* 5, *Cl.* 2.

Rules for fixing the assessment of malguzarry lands.

Benares.

85. The assessment of all lands not entitled to be considered rent free, under the Rules contained in Regulation XLI. 1795, shall be fixed with reference to their produce and capability as ascertained at the time when the revision of the settlement may be made. But the assessment shall not be raised above the amount theretofore paid, unless it shall clearly appear that the net profits derived from the land, by those who may be entitled to share in them, would, under the usage of the province, and

the rules applicable to such cases, authorize the increase demanded.—*Reg.* VII. 1828, *Sect.* 5, *Cl.* 3.

Admission to engagements not to affect the rights of interests of co-sharers or other tenants, excepting in so far as may be specially authorized.

Benares.

86. In admitting particular parties to engagements, such parties shall not be considered as invested with any rights over their co-sharers, or under-tenants, not previously possessed by them, excepting in so far as may be authorized by the Regulations for realizing the public revenue; all questions therefore between putteedars and sharers, inheriting or claiming to inherit joint or distinct portions of a tenure, or the produce thereof shall, notwithstanding such admission, be considered open to adjustment on the principles observed in similar cases throughout the province, and all questions regarding the right to possession of khodkasht and chuppurbund ryots, shall be adjusted on the same principles.—*Reg.* VII. 1828, *Sect.* 5, *Cl.* 4.

Points to be ascertained and recorded on the occasion of making or revising settlements.

Benares.

87. It shall be the duty of the Rajah, on occasion of making or revising settlements of land revenue in any of the muhals referred to in Regulation XV. 1795, to unite with the adjustment of the assessment, and the investigation of the extent and produce of the lands, the object of ascertaining and recording all material points connected with the rights, interests and privileges of the various classes of his tenantry. His proceedings therefore shall embrace the formation of as accurate a record as possible of all persons found in possession of the soil, with a specification of the nature and extent of the interests respectively enjoyed by them. The record shall likewise specify the rates per beegah of each description of land, or kind of produce in every distinct village. All lakheraj tenures shall, at the same time, be carefully registered with a detail of every particular connected therewith. The proceedings shall likewise contain the names of the putwarries and village watchmen, with a statement of the amount and nature of the allowance assigned to each.—*Reg.* VII. 1828, *Sect.* 5, *Cl.* 5.

And lakheraj tenures to be registered, with detail of particulars.

Rules for estates held in joint property.

Benares.

88. In cases where two or more persons may possess a joint property in any muhals, or in the rent or produce thereof, or in cases where such property may be separately possessed by parties subject to common obligations, it shall be competent to the Rajah either to make a joint settlement with the parties collectively, or with a portion of them selected to undertake the management as village malguzars; due regard being paid to the wishes of the co-parceners, who, until regularly separated, shall continue to hold their lands as subordinate proprietors,

subject to the payment of rent, or revenue, at the rates and in the mode heretofore in use or otherwise provided for by the Regulations for the province of Benares.—*Reg.* VII. 1828, *Sect.* 5, *Cl.* 6.

Responsibility of parties under engagements, and of the putteedars and sharers.

Benares.

89. When parties enter into engagements, who do not possess the entire proprietary right, but may be elected as managers by the co-parcenary in general, the non-engaging parceners shall not be held answerable for the default of those individuals, save and except the portion of rent or revenue demandable from them respectively. The rights and interests distinct or common of the putteedars or sharers, shall not be prejudiced in other respects by such engagements, and all disputes between the said sharers and the engaging proprietors, shall be determined according to what shall be ascertained to be the respective rights of the parties, agreeably to the principles of justice, and the laws, customs and usages of the province.—*Reg.* VII. 1828, *Sect.* 5, *Cl.* 7.

Disputes between them how to be determined.

Proprietary rights in the land may be transferred by sale, gift, mortgage, or otherwise.

Benares.

90. All proprietors of land in the province of Benares, being privileged to transfer to whomsoever they think proper, by sale, gift, mortgage, or otherwise, their proprietary right in the whole, or any portion of their respective estates, provided that such transfers be conformable to the Hindoo or Mahomedan Laws, according to the religious persuasion of the parties, and to the Regulations in force, it is hereby declared that all such assignments within the tracts, to which this enactment refers, shall be held equally valid, subject to the conditions in regard to leases, and the allotment of jumma, prescribed by the regulations, provided always that the same be duly notified to the Rajah, otherwise the consequences of omitting to make such notification on similar occasions to the Collector, will, in like manner, attach to all such transfers; the rules and restrictions applicable to Collectors being also applied to the Rajah subject to the orders of the Superintendent, who shall, in this behalf, possess and exercise the powers and authority of the Board of Revenue.—*Reg.* VII. 1828, *Sect.* 6, *Cl.* 1.

The same to be duly notified to the Rajah.

In cases of transfer or inheritance, the Rajah to record the mutation on application, and to proceed as the Collectors are required to do.

Benares.

91. In all cases, either of transfer or inheritance, the Rajah, on application being made for that purpose, shall proceed to record the mutation, and shall take such other steps for securing the rights and interests both of the public and of individuals, as the Collectors are required to do on similar occasions in the Benares province.—*Reg.* VII. 1828, *Sect.* 6, *Cl.* 2.

92. The decision of the Rajah, or his Officers, on all points connected with the foregoing provisions, shall undergo the revision of the Superintendent, to whom the whole of the proceedings on the settlement or transfer of any estate, shall be certified, and who, after calling for such further information as may appear necessary shall confirm, modify or annul the same as he thinks proper, and the orders thus passed by the Superintendent shall be final, unless altered or set aside by the Governor General in Council.—*Reg.* VII. 1828, *Sect.* 7.

The decision of the Rajah on the foregoing provisions, subject to revision by the Superintendent, whose orders to be final, unless set aside by Government.

Benares.

93. The following rules are prescribed for the guidance of the Rajah and his officers, in realizing the public revenue. —*Reg.* VII. 1828, *Sect.* 8.

Rules for realizing the public revenue.

Benares.

94. The Regulations at present in force within the province of Benares, for enabling proprietors and farmers of land to realize their rents with punctuality, for prescribing the process by which the revenue authorities are to collect the revenue payable to Government from the lands, for the imprisonment of defaulters, and for securing the ultimate recovery of arrears by a sale of the landed property from which it may be due, are hereby extended, as far as they may be applicable to the tracts referred to in Regulation XV. 1795.—*Reg.* VII. 1828, *Sect.* 9.

The Regulations in force at Benares, for realizing the public revenues, extended to tracts referred to in Regulation XV. 1795.

Benares.

95. Exclusive of the powers vested in the Rajah as zemindar, by which he may distrain and bring to sale, in the mode prescribed by the Regulations, the personal property of under zemindars, farmers, ryots or other description of landholder, for arrears of rent or revenue, he is hereby moreover authorized, as far as regards the collection of the same, to exercise the powers of a Collector, as defined in the Regulations within the tracts in question, subject to such restrictions and responsibility as may be now or hereafter imposed by this or any future enactment.—*Reg.* VII. 1828, *Sect.* 10.

The Rajah authorized to exercise the powers of a Collector as far as regards the collection of the revenues, exclusive of the powers vested in him as zemindar.

Benares.

96. Whenever it may be necessary to resort to the sale of lands for the recovery of arrears of revenue, or whenever a sale of lands may be required in satisfaction of the decrees of the courts of judicature, the sale shall be held in the presence of the Rajah, or his Deputy, either in the public kutcherry, or such other open or convenient place within the pergunnah to which the lands belong, as may be specified in the advertisement, and the course of proceeding directed in regard to sales by Regulation XI. 1822, shall be considered applicable, and the

Sale of lands for arrears of revenue, or under decrees of courts, to be held in the presence of the Rajah or his Deputy, and the rules of Regulation XI. 1822, to be observed in such cases.

Benares.

validity of such sales held contingent on the fulfilment of the several conditions therein specified.—*Reg.* VII. 1828, *Sect.* 11.

The powers exercised by the Boards of Revenue, in regard to sales of land and collection of revenue vested in the Superintendent, and the Rajah to stand in the same relation towards that officer, as Collectors are towards the Boards.

Benares.

97. The whole of the powers, which are exercised by the Boards of Revenue over the Collectors in regard to sales of land, as well as in all matters relative to the collection of public revenue, are hereby vested in the Superintendent, and the Rajah shall consider himself in the exercise of the privileges with which he is intrusted, as standing in the same relation towards that officer, as the Collectors at present stand towards the Board.—*Reg.* VII. 1828, *Sect.* 12.

From the orders of the Superintendent, an appeal to lie to Government. Civil courts prohibited from taking cognizance of complaints relating to lands.

Benares.

98. From the orders of the Superintendent, in all such cases, there shall be no appeal but to the Governor General in Council, and the civil courts are not competent to take cognizance of any complaint, from any party soever, contesting the validity of a sale, or claiming rights or interests connected with land, or the rents thereof, within the tracts in question.—*Reg.* VII. 1828, *Sect.* 13.

Complaints against the Rajah and his officers, for breach of these rules, to lie to the Superintendent.

Benares.

99. All complaints of a breach of the rules herein prescribed, for the guidance of the Rajah and his officers, in the exercise of the powers thereby entrusted to them, or of unnecessary severity in the execution of them, are declared cognizable by the Superintendent, who shall cause substantial justice to be rendered to the parties in the same manner as would have been done under the Regulations, had such complaints been cognizable by the regular courts, provided only that when the offence alleged would authorize a criminal prosecution, the complaint shall be referred to the Magistrate, who will proceed to the decision thereof under the Regulations in the same manner as if it had been originally preferred to him.—*Reg.* VII. 1828, *Sect.* 14.

If offence alleged, be of a criminal nature, the complaint to be referred to the Magistrate.

Certain offences, to enforce payment of arrears of rent strictly prohibited, and to subject the offender to prosecution before the criminal court.

Benares.

100. Torture, personal violence, and every description of corporal punishment to enforce the payment of arrears of rent or revenue, within the tract in question are hereby strictly prohibited; and any one offending against this prohibition, shall, on the complaint of a person so punished, be liable to prosecution before the criminal courts, and shall be dealt with, on conviction, as the Regulations require in such cases.—*Reg.* VII. 1828, *Sect.* 15.

A Native Commissioner to be maintained by the

101. In order to secure for the inhabitants of these muhals, the administration of civil justice on the principles in force

throughout the rest of the province; a Native Commissioner shall be maintained by the Rajah in each of the pergunnahs referred to in Regulation XV. 1795, for the purpose of taking cognizance, in the first instance, of the revenue causes hereafter specified.—*Reg.* VII. 1828, *Sect.* 16.

Rajah in each pergunnah to take cognizance of revenue causes.

Benares.

102. The nomination of individuals to the office of Native Commissioner will be made by the Rajah, but previous to such appointments taking effect, he shall communicate what information he may have obtained regarding the age, character, and past employment of the individuals in question to the Superintendent, who shall withhold his concurrence in cases of notorious bad character or incapacity, having regard, however, as far as possible, in the mode of doing so, to the Rajah's honor and dignity.—*Reg.* VII. 1828, *Sect.* 17.

The nomination of the individuals will be made by the Rajah, but the confirmation to rest with the Superintendent.

Benares.

103. No Native Commissioner appointed under this Regulation shall be removed from office without sufficient cause, and in all cases of removal, the Rajah shall act in concert with, and by the advice of, the Superintendent.—*Reg.* VII. 1828, *Sect.* 18.

The Native Commissioner not to be removed from office, and the Rajah to act in cases of removal in concert with and by the advice of the Superintendent.

Benares.

104. The Native Commissioners shall be liable to a criminal prosecution for corruption, extortion, or other gross misdemeanor, and on conviction before the court of circuit, shall be subject to fine and imprisonment, proportionate to the nature and circumstances of the case.—*Reg.* VII. 1828, *Sect.* 19.

The Native Commissioners liable to criminal prosecution for certain offences, and to fine and imprisonment on conviction.

Benares.

105. Persons invested with the powers of a Native Commissioner, under this Regulation, are authorized to receive, try, and determine, all suits preferred to them, against any inhabitant of their respective jurisdictions, relative to land of every description, or the rent, revenue, or produce thereof situated therein, provided the cause of action shall have arisen within the period of twelve years previously to the institution of suits. —*Reg.* VII. 1828, *Sect.* 20.

Powers and authority of a Native Commissioner.

Benares.

106. In receiving, trying and determining such cases, the Native Commissioners shall be guided by the Rules contained in Regulation XXIII. 1814, and in points not expressly provided for in that Regulation, they shall observe as nearly as may be practicable the rules prescribed for the guidance of the zillah and city courts, in the trial and decision of civil suits.—*Reg.* VII. 1828, *Sect.* 21.

Rules for the guidance of the Native Commissioner.

Benares.

107. The rule, which prohibits Native Judicial Officers from taking cognizance of cases, in which a British subject, or an European foreigner, or an American, may be a party, shall not

Exception.

Benares.

be held applicable to the Native Commissioners, appointed under this Regulation.—*Reg.* VII. 1828, *Sect.* 22.

Native Commissioners to execute their decisions, subject, in cases of appeal, to instructions of the Superintendent.

Benares.

108. The decision of the Native Commissioners shall be executed by themselves, under the rules prescribed in the general Regulations for the execution of decrees, provided however that if the case be appealed, the Commissioner shall be guided by such instructions relative thereto, as he may receive from the Superintendent.—*Reg.* VII. 1828, *Sect.* 23.

The proceedings of the Native Commissioners subject to revision by Superintendent, in cases appealed within six months.

Benares.

109. The proceedings of the Native Commissioners shall be subject to the revision of the Superintendent, who, in the event of an appeal being preferred to him within the period of six months from the date of any such decision, will call for the papers, and after directing such further investigation to be held, as he may judge necessary, will confirm, modify or annul the order or decision of the Native Commissioner, as may appear proper; provided always, that it shall be competent to the Governor General in Council to supercede the order of the Superintendent, on being referred to by either party for that purpose.—*Reg.* VII. 1828, *Sect.* 24.

Government empowered to supercede the order of the Superintendent, if referred to.

Penalties for resistance of process declared applicable to cases under this Regulation.

Benares.

110. The penalties prescribed by the Regulations for resistance of process in revenue or judicial matters, are hereby declared applicable to all cases of the same nature, arising out of the process provided for by this enactment.—*Reg.* VII. 1828, *Sect.* 25.

The revenue and judicial administration of the muhals herein referred to, to be regulated according to the Regulations, except when otherwise directed by this Regulation.

Benares.

111. It is hereby further declared and enacted, that, except when otherwise directed by the foregoing provisions, the revenue and judicial administration of the muhals herein referred to, shall be regulated by the principles and spirit of the existing Regulations, and where those may not be applicable, by equity and good conscience.—*Reg.* VII. 1828, *Sect.* 26.

CHAPTER III.

SETTLEMENT OF THE LAND REVENUE.

Ceded Provinces.

SECT. 1.

Settlement for Fussily 1210, 1211, 1212.

Substance of the proclamation issued by the late Lieutenant Governor and Board of Commissioners, under date the 14th July 1802, respecting the settlement of the land revenue of the ceded provinces:

Ceded Provinces.

the terms of the proclamation confirmed, with certain additions and explanations.

1. The following proclamation, relative to the settlement of the land revenue in the provinces ceded to the Honourable the English East India Company by the Nawaub Vizier, was published on the 14th day of July 1802, corresponding with the 29th Assaur of the Fussily year 1209, by the Honourable the late Lieutenant Governor and the Board of Commissioners, in virtue of the powers vested in them by His Excellency the most Noble the Governor General; and the several articles contained in it, are hereby confirmed and declared to be in force, with the subsequent additions and explanations contained in Section 30, 31, and 32, of this Regulation; and in Section 53, Regulation XXVII. 1803, which comprises the substance of the proclamation issued by the late Lieutenant Governor and Board of Commissioners on the date above-mentioned; with further provision, since made, for the settlement of the land revenue in the ceded provinces, under the extension of the authority of the Board of Revenue to the said provinces.—*Reg.* XXV. 1803, *Sect.* 29.

PROCLAMATION.

Proclamation issued by the late Lieutenant Governor and Board of Commissioners, under date the 14th July 1802, respecting the settlement of the land reve-

2. Whereas it is the intention of the British Government to adopt, at the expiration of the present Fussily year, such a plan for the settlement of the landed revenue of the ceded provinces, as may be most conducive to the prosperity of the country, and to the happiness of the inhabitants; and whereas

nue in the ceded provinces.

Ceded Provinces.

it is of the utmost consequence to the success of the measure, as well as to the interests of the zemindars, talookdars, and all others concerned, that the nature and terms thereof should be made known as early as possible;

NOTICE IS HEREBY GIVEN,

Ceded Provinces.

3. *First.* At the commencement of the Fussily year 1210, the sayer of every denomination will be separated from the mâl, or land revenue, and a settlement for the latter only concluded, in all practicable cases, with the zemindars or other actual proprietors of the soil, (unless when disqualified by notoriously bad character, or other good and sufficient cause) for a period of three years, at a fixed, equal, annual jumma; it being understood, that such zemindars as are Huzzoor Tehseel, or allowed to pay their kists immediately to the Collector of the Zillah, are to be responsible for the police of their respective zemindarries.—*Reg.* XXV. 1803, *Sect.* 29.

Ceded Provinces.

4. *Secondly.* At the expiration of the three years, another settlement will again be made with the same persons, (if willing to engage) for three years, at a fixed, equal, annual jumma, which jumma shall be formed by taking the difference between the annual amount of the first lease, and the actual yearly produce of the land at the time of its expiration, and adding two-thirds of such difference to the annual rent of the first lease.—*Reg.* XXV. 1803, *Sect.* 29.

Ceded Provinces.

5. *Thirdly.* At the expiration of the sixth year, a new settlement will be made with the same persons, (if willing to engage) for a further period of four years, at a fixed, equal, annual jumma, formed by adding to the annual rent of the second three years, three-fourths of the net increase of revenue during any one year of that period.—*Reg.* XXV. 1803, *Sect.* 29.

Ceded Provinces.

6. *Fourthly.* At the end of these ten years, a permanent settlement will be concluded with the same persons (if willing to engage, and if no others who have a better claim shall come forward,) for such lands as may be in a sufficiently improved state of cultivation to warrant the measure; on such terms as Government shall deem fair and equitable.—*Reg.* XXV. 1803, *Sect.* 29.

Ceded Provinces.

7. *Fifthly.* Those zemindars who may decline entering into engagements for their estates, as also those whose offers may

be rejected by Government, shall, for the present, continue to be allowed the same nankar which they have hitherto received from the Nawaub Vizier.—*Reg.* XXV. 1803, *Sect.* 29.

8. *Sixthly.* With respect to such zemindarries as may have been mortgaged, or transferred on security, and possession thereof actually given to the mortgagers or sureties, the settlement will be made with the person in possession of the land, as the temporary representative of the proprietor, leaving the latter to obtain possession, either by a private settlement of accounts, or by a judicial process.—*Reg.* XXV. 1803, *Sect.* 29. *Ceded Provinces.*

9. *Seventhly.* The settlement of such small talooks or estates, as may be only nominally included in large zemindarries, in the sudder jumma of which their jumma may be comprehended, will be made, separately and distinctly, with the proprietors of such small estates, and they will be allowed to pay their revenue directly to the tehseeldars on the part of Government.—*Reg.* XXV. 1803, *Sect.* 29.

10. *Eighthly.* With respect to such lands as are without proprietors, or the proprietors of which decline entering into engagements, a village settlement shall be made, for three years, at a fixed, equal, annual jumma, and a preference will be given to the Mukuddums, Purdhauns, or respectable ryots of the several villages.—*Reg.* XXV. 1803, *Sect.* 29. *Ceded Provinces.*

11. *Ninthly.* In the event of neither proprietors nor farmers being forthcoming, such lands, as are in that predicament, will be held khas.—*Reg.* XXV. 1803, *Sect.* 29. *Ceded Provinces.*

12. *Tenthly.* All authorized abwaubs are to be consolidated and incorporated with the land-rent, and expressed in the pottahs and cabooleats, and nothing but what is there expressed shall be collected from the ryots or under-renters.—*Reg.* XXV. 1803, *Sect.* 29. *Ceded Provinces.*

13. *Eleventhly.* All persons who may enter into engagements for the settlement, must bind themselves, by written obligations, to grant pottahs, of the above description, to their ryots and under-renters.—*Reg.* XXV. 1803, *Sect.* 29. *Ceded Provinces.*

14. *Twelfthly.* All persons who may enter into engagements with Government, must previously give security for the fulfilment thereof, in an amount equal to one-fourth of their annual jumma.—*Reg.* XXV. 1803, *Sect.* 29. *Ceded Provinces.*

15. The several Collectors in the ceded provinces were authorized by the Board of Commissioners, under date the 28th *The Collectors authorized, under date the 28th Au-*

gust 1802, to deviate from the rule prescribed in the first Clause of the above proclamation in certain cases.

Ceded Provinces.

August, 1802, to deviate from the rule prescribed in the First Clause of the foregoing proclamation, and to conclude the settlement, for the first lease of three years, at a fair and equitable annual increase, instead of a fixed, equal, annual jumma, in instances in which, from calamity of season, the landholders might be unwilling to engage for their lands at such a jumma, for the first year of the lease, as Government would have been otherwise entitled to demand, with a reference to the probable resources and produce of the lands during the whole of the lease. —*Reg.* XXV. 1803, *Sect.* 30, *Cl.* 1.

Substance of orders issued to the Collectors, under date the 13th August 1802, with respect to regulating the nankar of the zemindars.

Ceded Provinces.

16. By an order of the Board of Commissioners, under date the 13th August, 1802, the several Collectors in the ceded provinces were further instructed, in concluding the settlement of their respective zillahs for the first lease of three years, to regulate the allowance of nankar, to such of the zemindars as might engage for their lands, by deducting the amount of the nankar from the jumma, and taking engagements from the zemindars for the net residue, provided that the deduction for nankar should not exceed ten per cent. on the net jumma.—*Reg.* XXV. 1803, *Sect.* 30, *Cl.* 2.

Orders of the Board of Commissioners in modification of the 5th clause of the proclamation, respecting nankar to zemindars not engaging for their estates, in no instance to exceed ten per cent. on the jumma.

Ceded Provinces.

17. In modification of the fifth Clause of the proclamation issued under date the 14th July 1802, whereby it was declared, that the zemindars who might decline entering into engagements for their states, as also zemindars whose offers might be rejected by Government, should, for the present, continue to be allowed the same nankar which they had heretofore received under the Government of the Nawaub Vizier, it was subsequently determined, by the Board of Commissioners, that the rate of allowance for nankar should not, in either of the cases stated, exceed ten per cent. on the jumma of the estate.—*Reg.* XXV. 1803, *Sect.* 30, *Cl.* 3.

Explanation of the 2d and 3d clauses of the proclamation, as well as of clause second, of Section 53, Regulation 27, 1803, with respect to the rule to be adopted in addition to the jumma a portion of the increased produce, in concluding the future settlements.

Ceded Provinces.

18. With the view of obviating any misconstruction of the rule to be adopted, in adding to the jumma a portion of the increased produce, in concluding the settlements to be formed at the commencement of the Fussily years 1213 and 1217, it is hereby declared in explanation of the second and third Clauses of the proclamation issued on the 14th July 1802, as well as of Clause Second of Section 53, Regulation XXVII. 1803, (22) that the amount of the nankar, to which the zemindars were entitled under their original engagements for the first triennial settlement shall be deducted from the actual yearly produce of their

estates at the time of the expiration of each lease, and the actual increase of public revenue to be assessed agreeably to the clauses above specified, shall be calculated on the amount of the difference between the actual net produce, after such deduction and the annual amount of the former lease. It is, at the same time, provided, that the portion of the increased produce, relinquished to the zemindars, under the above-mentioned clauses, on the formation of the successive settlements, shall be considered as precluding all claim, on the part of the zemindars, to any further proportion of such increased produce, on account of nankar, in addition to the deduction originally made and continued to them on this account.—*Reg.* XXV. 1803, *Sect.* 31.

Substance of orders issued by the Board of Commissioners, under date the 30th September 1802, vesting a discretionary power in the landholders to grant small portions of land for the support of village watchmen, exempt from the payment of rent.

Ceded Provinces.

Such lands resumable on the death or removal of the persons to whom they may be granted; and considered responsible for the revenue assessed upon the estates to which they may respectively appertain.

19. In pursuance of an order issued by the Board of Commissioners, under date the 30th September 1802, a discretion is vested in the landholders to grant small portions of land exempt from the payment of revenue, for the support of their village watchmen, whenever they shall prefer making such grants to paying the watchmen a pecuniary allowance. Such grants, however, shall be resumable on the death or removal of the persons to whom they may be made; and the lands thus exempted from the payment of rent, as well as any other lands held by public officers or private servants exempt from rent, in lieu of wages, and not forming part of any authorized lakhraje grants, or tenures, within the provisions of Regulations XXXI. and XXXVI. 1803, shall be considered to form a component part of the malguzarry lands of the estates to which they may respectively appertain, for the revenue assessed upon which they will consequently be held responsible, in common with all other malguzarry lands included therein.—*Reg.* XXV. 1803, *Sect.* 32.

The lands to be let, on a lease for three years.

Ceded Provinces.

20. The whole of the lands in the ceded provinces, shall be let on a lease for three years, at a fixed, equal, annual rent, the amount of which must be determined by such accounts, as the Collectors may be at present in possession of, or may be able hereafter to obtain; but no settlement is to be considered final, until it has received the previous sanction of the Board of Revenue. In cases, where from the state of the country, it may not be practicable to conclude a settlement at a fixed, equal annual jumma, or rent, without any obvious loss to Government, the Collectors shall make the settlement at such an annual increase, during the first lease of three years,

as may appear to them to be just and equitable.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 1.

No settlement in the ceded provinces to be considered final, until it has received the sanction of the Governor General in Council.

Ceded Provinces.

21. Such part of Clause First, Section 53, Regulation XXVII. 1803, as declares that no settlement shall be considered final in the ceded provinces, until it has received the sanction of the Board of Revenue, is rescinded. Instead of the foregoing rule, it is hereby provided, that no settlement shall be considered final, in the ceded provinces, until it shall have received the final sanction of the Governor General in Council. —*Reg.* VIII. 1805, *Sect.* 18, *Cl.* 3.

At the expiration of the first, another settlement to be formed for three years; conditions.

Ceded Provinces.

22. The Collectors shall insert the following stipulations in every engagement:—*First*, at the expiration of the first lease for three years, another settlement shall be concluded for the further period of three years, at a fixed, equal, annual jumma, on the following terms; the difference shall be struck between the annual amount of the first lease, and the actual net produce of the lands at the time when it expired, and two-thirds of such difference shall be added to the annual rent of the first lease, and will become that for the second three years. *Secondly.* At the expiration of the second three years lease, new engagements shall be entered into for the further period of four years, at a fixed, equal, annual jumma, the amount of which shall be determined by adding three-fourths of the net increase of revenue, during any year of the second three years lease to the jumma thereof. *Thirdly.* At the end of the ten years, a permanent settlement shall be concluded for such lands as may be in a state of cultivation sufficiently advanced to warrant the measure, on such terms, as Government may deem fair and equitable; due regard being had to the actual state of the country, and its means and capability of further improvement. *Fourthly.* Persons fulfilling their engagements for the first three years, shall have the option of renewing the same for the second period, on the prescribed terms, and so on, for the third period.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 2.

At the expiration of the second, a further engagement to be formed for four years; conditions.

Claims not preferred within six months from issuing the proclamation of the 14th of July 1802, shall not be entitled to possession before the expiration of the first lease; and if not preferred within three years, not until the comple-

23. Persons holding claims to lands, for which engagements have been entered into by the present possessors, and who did not prefer their claim to regain possession of the same, within six months from the date (as recorded in the several zillahs) of issuing the proclamation by the Board of Commissioners of the 14th July, 1802, such claimants shall not be entitled to be put in actual possession before the expiration of the first lease

of three years; and claims not perferred within the aforesaid period of three years, shall not entitle the claimant to regain possession until the expiration of the ten years. But this rule shall not be construed to restrict persons from perferring their claims, at any time, within the ten years.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 3.

tion of the ten years.

Ceded Provinces.

But this rule not to restrict the right of preferring claims.

24. In all cases, the settlement shall be made with the zemindars, provided they offer a fair and equitable jumma; where a Collector may judge it inexpedient to form a settlement with a zemindar, he shall hold proceedings on the subject, detailing at large, his reasons for rejecting the claim, with every information he may have obtained relative to such zemindar; and at the same time, receiving the zemindar's answer to the objections urged to his claim. The Collector shall then transmit the whole of his proceedings to the Board of Revenue, and await their determination on the same.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 4.

Settlements to be made in all practicable cases with the zemindars.

Ceded Provinces.

Where a zemindar's proposals are rejected, case to be reported to the Board of Revenue.

25. Where a zemindar may decline entering into engagements for his estate, he shall be allowed for the present, the same nankar, which he may have been accustomed to receive under the Government of the Nawaub Vizier; and, in like manner, where the Board of Revenue may reject the claim of a zemindar to enter into agreements with Government, and such zemindar may have been in the receipt of nankar, under the late Government, such rate of nankar shall be continued to him, for the present; provided, that in either case, the rate of such allowance shall not exceed the sum of ten per cent. on the jumma of the estate.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 5.

A zemindar declining to form a settlement, is to receive the same nankar as he would have received under the Nawaub's Government. The same allowance to be granted on his claim to form a settlement being rejected.

Ceded Provinces.

The rate of nankar not to exceed ten per cent.

26. Where a zemindarry may have been mortgaged, or transferred as security for a debt, and actual possession given to the mortgagee, or surety, the settlement shall be made with such mortgagee or surety in possession; leaving the zemindar at liberty to adjust his accounts with the actual possessor, or to sue for redress in a court of justice.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 6.

Settlement for zemindarries mortgaged to be made with the mortgagee.

Ceded Provinces.

27. In large zemindarries, containing several dependant talooks or estates, of which the actual proprietors may be now, and have been for a length of time in undisturbed possession, the principal zemindars being no more than the immediate channel of receiving the dues of Government, the settlement shall be made with such dependant talookdars, separate and

Settlement to be made with talookdars, where they have been long in possession, and the zemindar has been only the channel of receiving the dues of Government.

Ceded Provinces.

distinct from the engagement of the principal zemindars; provided however, that the talookdars shall be desirous of such separation, or the zemindars shall require it.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 7.

Claims to the right of separation betwixt a zemindar and talookdar, to be determined by a court of justice.

Ceded Provinces.

28. In the event of the zemindar considering himself aggrieved by a separation made in conformity to the above clause, or of a talookdar being dissatisfied at not being separated from a zemindarry, agreeably to what he may have considered as his right, in either case, the party considering himself aggrieved, shall be at liberty to sue for redress in a court of justice. The Collectors shall not suffer such disputed claim to interfere with, or delay the immediate conclusion of the settlement, which, in all doubtful cases, shall be made with the person in possession.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 8.

Where neither a zemindar or proprietor may engage, a village settlement to be made for three years.

Ceded Provinces.

29. Where zemindars, or other actual proprietors, shall decline entering into engagements for their respective estates, or where there are no proprietors, a village settlement shall be made for three years; giving the preference to the mokuddums, perdhauns, or any respectable ryot of the village; but no person, not an actual proprietor, shall, (so far as may be practicable,) be allowed to engage for more than one Assillee village, and its Dakhillee or dependant villages.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 9.

Security to be given equal to one-fourth of the annual engagement.

Ceded Provinces.

30. Persons of every description, whether proprietors or not, shall give security equal to one-fourth of the stipulated amount of their annual engagements, in default of which, their proposals shall be rejected.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 10.

Persons entering into engagements shall become bound to grant pottahs to the ryots.

Ceded Provinces.

Who shall execute counter engagements.

31. All persons with whom a settlement may be made, shall bind themselves by a written obligation, under such reasonable penalty as the Collectors may think proper to determine, to grant pottahs or leases to the ryots and under-renters, of every description; specifying the amount they are respectively to pay; and counter engagements shall be executed by the ryots and under-renters of a similar tenor and purport.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 11.

All abwaubs to be consolidated with the land rents.

Ceded Provinces.

32. In granting pottahs to the ryots and other under-renters, and in receiving cabooleats from them, all authorized and established abwaubs shall be consolidated with the land rent, and formed into one jumma, which shall be expressed in a gross sum in the pottahs and cabooleats; and the imposing or levying

new abwaubs shall be strictly prevented.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 12.

33. All engagements entered into with Government, shall be exclusive of sayer duties, and of all other collections not connected with the land revenue, hitherto levied under the denomination of zemindarry and thannadarry duties, the cabooleats executed by zemindars, and other actual proprietors of land, shall contain a clause restricting them from collecting sayer duties or any other duties whatever, in their respective tenures. And the Collectors are required to explain fully the nature and extent of this restriction, in order that persons desirous of entering into engagements may regulate their proposals accordingly. Nankar, and pensions of every description, shall be paid by Government from its own treasuries; and no deductions whatever shall be admitted on these, or on any other accounts. —*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 13.

Engagements with Government to be exclusive of sayer.

Ceded Provinces.

Cabooleats of zemindars to restrict the collection of sayer.

Nankar and pensions to be paid from the treasury of Government.

34. Where neither the proprietors nor farmers may tender suitable conditions of agreement, a khas or bowlee settlement shall be made with the ryots; stipulating the shares they are to get from the different kinds of land as follows:—in politch lands, or such as are in full cultivation, Government shall receive five passerees, and the ryot three passerees. In chunchur lands, or such as have not been cultivated for two or three years, Government shall receive two, and the ryot six passerees. In bunjer, or waste lands, Government shall receive one, and the ryots seven passerees. Chunchur lands after one, and bunjer lands after two years, shall be considered equal to politch; and further, the bunjer lands after one year shall be taxed equal to chunchur. In the khas settlement, the bhaint or nuzzerana shall be abolished; the putwarries' wages shall be borne by the ryots; but the mussaut, or measuring and valuing the crops shall be defrayed by Government, in consideration of the additional passeree received out of the politch crop. In all cases where crops are valued, it shall be done according to the price current of the day. In the khas settlement, the ryots shall engage that the cultivation of the lands shall not fall off, and that they shall not undertake the cultivation of new lands, until they have accomplished that of the old.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 14.

A khas or bowlee settlement to be made where no other can be formed.

Ceded Provinces.

In politch lands, Government to receive five, and the ryot three passerees.

In chunchur, Government to receive two, and the ryot six.

In bunjer, Government to receive one, and the ryot seven.

Chunchur after one, and bunjer after two years, to be equal to politch lands Bunjer after one, to be equal to chunchur.

Bhaint to be abolished.

Putwarries to be found by the ryot, mussaut by Government.

Ryots to engage to keep up the cultivation.

35. The Collectors shall in all cases whatever, take under their own immediate management, the settlement and collections

Collectors to take under their own charge the

large zemindarries and such other lands as they can superintend.

Ceded Provinces.

of all the large zemindarries; and further, that of all such other lands as they can superintend, without detriment to their general avocations.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 15.

Proprietors, paying their revenue immediately to Government to maintain a police.

Ceded Provinces.

36. The proprietors of such estates as shall pay their revenues immediately into the treasury of a Collector, shall become responsible for entertaining an efficient police in their respective estates; subject to such general rules and regulations as may be hereafter enacted; with an exception as to cities, large towns, and principal gunges. The expenses of the police of which will be defrayed by Government.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 16.

Collections from large farms to be paid, in certain cases, into the treasury of the Collector, in place of being received through the medium of a tehseeldar.

Ceded Provinces.

37. In cases, where lands to a considerable amount, shall be let in farm, to one individual, and Government, from the report of the Board of Revenue, shall be of opinion, that the other avocations of the Collector will admit of the measure, the collections from such farm shall be paid, immediately, into the treasury of the Collector; instead of being received through the medium of a tehseeldar.—*Reg.* XXVII. 1803, *Sect.* 53, *Cl.* 17.

Settlement of undivided estates possessed by two or more proprietors, all of whom may not come within the description of disqualified landholders, to be made with them jointly, but their lands to be entrusted to a manager.

Ceded Provinces.

38. Where more proprietors than one possess an undivided estate, and the whole of them be not within the description of disqualified landholders, specified in Section 3, the settlement shall be made with them jointly, and they are required to elect a serberakar, or manager, who shall have the exclusive management of their lands during the continuance of his appointment. The determination of the majority of the proprietors, or of the majority of those present, in the event of the absence of any, shall be binding on the remainder in the choice of a manager; and when the votes of the proprietors are equal, the election of the manager shall be determined by the greater interest of the proprietors in the property. If, in any case, the interest also be equal, the manager shall be appointed by the Board of Revenue.—*Reg.* LII. 1803, *Sect.* 5, *Cl.* 1.

Cases in which the guardians of proprietors shall vote for them in the choice of a manager.

Ceded Provinces.

39. In instances where part of the proprietors described in the foregoing clause may be minors, lunatics, idiots, or others, having guardians, such guardians shall vote for them.—*Reg.* LII. 1803, *Sect.* 5, *Cl.* 2.

Collector to nominate managers for undivided estates, in certain cases subject to the confirmation of the Board of Revenue.

Ceded Provinces.

40. If the joint proprietors of undivided estates, the whole of whom may not be of the descriptions of disqualified landholders mentioned in Section 3, shall neglect to elect a serberakar, on the requisition of the Collector of the revenue of the zillah in which such estates may be situated, the latter is authorized

to nominate a manager, for the approbation of the Board of Revenue, which manager, when confirmed by that Board, shall have the exclusive management, as long as it may be deemed advisable to continue him in that trust. The expense attendant on the appointment of the manager shall nevertheless be defrayed by the proprietors, who shall also be responsible for the discharge of the public revenue.—*Reg.* LII. 1803, *Sect.* 5, *Cl.* 3.

Authority vested in the manager so appointed:

Expense to be defrayed by the proprietors, who are also responsible for the public revenue.

41. The determination of the majority of the proprietors present, under the restrictions specified in Clause First of this Section, shall also be binding on the remainder, in agreeing or disagreeing to the jumma proposed for undivided estates: the sharers, however, if dissatisfied, may obtain a division of their lands, and a proportionate allotment of the revenue assessed thereon, but at their own expense.—*Reg.* LII. 1803, *Sect.* 5, *Cl.* 4.

The determination of the majority of the proprietors present, binding on the remainder; dissatisfied sharers may obtain a division of their lands at their own expense.

Ceded Provinces.

42. The rules contained in the present regulation, for the management of the persons and estates of disqualified landholders, shall not be held applicable to proprietors, managers, and guardians, of the descriptions specified in the foregoing clauses of this Section.—*Reg.* LII. 1803, *Sect.* 5, *Cl.* 5.

Rules contained in this regulation for the management of the persons and estates of disqualified landholders, not applicable to the person and estates described in this section.

Ceded Provinces.

43. The ensuing triennial settlement of the land revenue in the ceded provinces, which will be formed, on the expiration of the Fussily year 1212; and all future settlements of the land revenue in those provinces; shall be made in the Lucknow forty-fifth sun Sicca Rupee as established by this regulation. In determining the amount of the rent or jumma to be paid to Government by the proprietors and farmers of land in the ceded provinces, on the formation of the ensuing or any future settlement, (with the exception stated in the following clause) the Board of Revenue and the Collectors of the revenue will be guided by the table of rates to be inserted in a regulation which will be hereafter published. The difference of the intrinsic value between the species of rupee in which the existing settlement has been made, and the Lucknow forty-fifth sun Sicca Rupee, as now established, shall be calculated, according to the table above-mentioned; and, after deducting such difference, the settlement shall be concluded for the residue in the said forty-fifth sun Lucknow Sicca Rupee.—*Reg.* XLV. 1803, *Sect.* 17, *Cl.* 1.

The ensuing settlement and all future settlements of the land revenue in the ceded provinces to be made in the rupee established by Section 2.

Ceded Provinces.

The Board of Revenue and the Collectors how to determine the rent or jumma in forming the settlement.

Exception.

44. In instances in which engagements with Government shall be executed by proprietors of land, or farmers of land, for the ensuing settlement of the land revenue, previously to the

Rules for the payment of the revenue, in instances in which engagements shall be en-

tered into with Government previously to the publication of the table of rates abovementioned and previously to the commencement of the new coinage at Furruckabad.

Ceded Provinces.

publication of the table of rates mentioned in the preceding clause, and previously to the commencement of the new coinage in the mint at Furruckabad, as established by this Regulation, a clause shall be inserted, binding such proprietors, or farmers, to pay to Government Lucknow Sicca Rupees, struck at Lucknow of the usual weight and standard; or the same species of Rupees as they may receive from their under-renters or ryots, at the bazar rates of batta, for the time being, which may regulate the relative value of such rupees, when compared with the Lucknow Sicca Rupees struck at Lucknow; until the said table of rates shall be published. From and after the publication of the table of rates aforesaid, and from and after the commencement of the new coinage in the mint at Furruckabad, as established by this Regulation, the Lucknow Sicca Rupee struck at Lucknow, shall be received only according to its intrinsic value, during the period prescribed by Sect. XXIII. for receiving rupees, not being the rupees declared by this regulation to be the established and legal silver coin within the provinces ceded by the Nawaub Vizier to the English East India Company. In the event of the commencement of the new coinage in the mint at Furruckabad, previously to the publication of the table of rates above-mentioned, the public revenue shall be paid to Government, either in the silver coin established by this regulation, or in the species of rupees received by the proprietors or farmers of land from their under-renters or ryots, at the bazar rates of batta, for the time being, which may regulate the relative value of such rupees, when compared with the Lucknow forty-fifth sun Sicca Rupee, struck in the mint at Furruckabad, under this regulation, until the said table of rates shall be published. The Collectors shall insert in their treasury accounts the rates of batta at which all Rupees, not being Lucknow Siccas struck at Lucknow, or Lucknow forty-fifth sun Siccas struck at Furruckabad, (according as either of those descriptions of Rupees may be received under this clause) may be received by them.—*Reg.* XLV. 1803. *Sect.* 17, *Cl.* 2.

Proprietors of lands held khas or let in farm, will be restored to the management of the same on agreeing to the payment of the required assessment.

45. The lands of some zemindars, independent talookdars, and other actual proprietors of land, having been held khas, or let in farm, in consequence of their refusing to pay the assessment required of them, under the proclamation inserted in Section 29, of this Regulation (1), the Governor General in Coun-

Ceded Province

cil notifies to the zemindars, independent talookdars, and other actual proprietors of land, whose lands are held khas, that they shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which shall be required of them, in conformity to the prescribed rules for the settlement of the land revenue; and the Governor General in Council declares to the zemindars, independent talookdars, and other actual proprietors of land, whose lands have been let in farm, that they shall not regain possession of their lands, before the expiration of the period for which they have been farmed, (unless the farmers shall voluntarily consent to make over to them the remaining term of their lease; and the Governor General in Council shall approve of the transfer,) but that at the expiration of that period, upon their agreeing to the payment of the assessment which shall be required of them, they shall be reinstated, under the general regulations in the management of their estates respectively.—*Reg.* XXV. 1803, *Sect.* 33.

Assessment in former times liable to variation at the discretion of the ruling power.

Ceded Provinces.

46. It is well known to the zemindars, talookdars, and other descriptions of landholders in the provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, that, from the earliest times until the present period, the public assessment upon the lands has never been fixed; and that, according to established usage and custom, the rulers of those provinces, and their delegates, have exercised a discretionary authority in depriving them of the possession of their zemindarries, talooks, and other tenures; whereby their right of property therein has become precarious and of little value; whilst the lands, from being let in farm to strangers, or otherwise disposed of, have been impoverished; and the tenants and cultivators of the soil have been exposed to rapacity and oppression.

Motives of the Governor General in Council for abolishing this usage, and providi for a permanent assessment.

With a view of promoting the interests of the landholders, and to enhance the value of their estates; as well as to induce them to encourage their under-tenants, and to extend cultivation, under the certainty that they will enjoy the fruits of their industry and good management; the Governor General in Council has, by the rules contained in the preceding sections of this regulation, and in Section 53, Regulation XXVII. 1803, (20) not only directed a settlement to be immediately made with the zemindars and other proprietors of land, who shall be willing to engage for the revenue of their respective estates, but has also

declared, that a permanent assessment shall be fixed, at the end of ten years, on such lands as shall be in a state of cultivation sufficiently advanced to render it proper to fix the assessment on the same in perpetuity; and the Governor General in Council further declares the proprietary rights of all zemindars, talookdars, and other descriptions of landholders, possessing a right of property in the lands composing their zemindarries, talooks, or other tenures, to be confirmed and established, under the authority of the British Government, in conformity to the laws and usages of the country, and to the regulations which have been, or shall be hereafter, enacted by the Governor General in Council.—*Reg.* XXV. 1803, *Sect.* 34.

Ceded Provinces.

47. To prevent any misconstruction of the declaration contained in the foregoing section, the Governor General in Council deems it to be necessary to publish the following declarations to the zemindars, independent talookdars, and other actual proprietors of land.—*Reg.* XXV. 1803, *Sect.* 35.

Government to enact such regulations as they may think necessary for the welfare of the dependent talookdars and cultivators, and proprietors not to withhold the revenue on that account.

Ceded Provinces.

48. It being the duty of the ruling power to protect all classes of people, and more particularly those who, from their situation, are most helpless, the Governor General in Council will, whenever he shall deem it proper, enact such regulations as he shall judge to be necessary, for the protection and welfare of the dependant talookdars, ryots, and other cultivators of the soil; and no zemindar, independent talookdar, or other actual proprietor of land, shall be entitled, on this account, to make any objection to the discharge of the assessment on their lands which they have respectively agreed, or may hereafter agree, to pay.—*Reg.* XXV. 1803, *Sect.* 35, *Cl.* 1.

All internal duties that may be hereafter established, to belong exclusively to Government.

Ceded Provinces.

49. The Governor General in Council having, by Regulation XXXVIII. 1803, abolished all the duties coming under the denomination of sayer, rahdarry, zemindarry, or any other denomination, levied on goods or merchandize of any description, with the exception of the established duties levied by Government in bazars and gunges; and it being provided, by the first clause (3) of the proclamation aforesaid, issued under date the 14th of July 1802, as well as by Clause Thirteenth, of Section 53, Regulation XXVII. 1803, (33) that all engagements for the land revenue entered into with Government, shall be exclusive of sayer duties, and of all other collections not connected with the land revenue; the Governor General in Council hereby declares, that if he should hereafter think it proper to establish any in-

ternal duties, and to appoint officers on the part of Government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.—*Reg.* XXV. 1803, *Sect.* 35, *Cl.* 2.

Jumma that may be assessed on alienated lands, to belong exclusively to Government.

Ceded Provinces.

50. The Governor General in Council will impose such assessment, as he shall deem equitable, on all lands held exempt from the public revenue, which have been, or shall be, proved to be so held, under illegal, or invalid titles. The assessment thus imposed will belong to Government, and no proprietor of land will be entitled to any part of it.—*Reg.* XXV. 1803, *Sect.* 35, *Cl.* 3.

Police allowances in land or money, resumable by Government, on the proprietors being exonerated from the charge of keeping the peace.

Ceded Provinces.

51. The jumma of those zemindars, independent talookdars, and other actual proprietors of land, with whom a settlement shall have been made, or shall be hereafter concluded, under the terms set forth in the aforesaid proclamation, dated the 14th July 1802, or in Section 53, Regulation XXVII. 1803, (20) shall be considered exclusive of any allowances which have been made to them in the adjustment of their jumma, for maintaining tannahs, or police establishments, and also of the produce of any lands which they may have been permitted to appropriate for the same purpose; and the Governor General in Council reserves to himself the option of resuming the whole or any part of such allowances, or of the produce of such lands, if he should at any time think it to be proper to exonerate the proprietors of land from the charge of keeping the peace, and to appoint officers on the part of Government to superintend the police of the country. The Governor General in Council, however, declares, that the allowances, or the produce of lands, which may be thus resumed, will be appropriated to no other purpose but that of defraying the expense of the Police.—*Reg.* XXV. 1803, *Sect.* 35, *Cl.* 4.

Proprietors at liberty to transfer their lands without the sanction of Government.

Ceded Provinces.

52. That no doubt may be entertained, whether it be lawful for proprietors of land to dispose of their estates, without the previous sanction of Government, the Governor General in Council notifies to the zemindars, independent talookdars, and other actual proprietors of land, that they are at liberty to transfer, to whomsoever they may think proper, by sale, gift or otherwise, their proprietary rights, in the whole, or any portion, of their respective estates, without applying to Government for its sanction to the transfer; and that all such trans-

Provided the transfer be conformable to law, and not contrary to the regulations.

fers will be held valid, provided that they be conformable to the Mahommedan or the Hindoo laws, (according as the religious persuasions of the parties to each transaction may render the validity of it determinable by the former or the latter code), and that they be not repugnant to any regulations now in force, or which shall be hereafter enacted by the British Government. It is at the same time, hereby declared, that no private transfer by sale, gift, or otherwise, nor any private mortgage or other assessment upon land assessed with the public revenue will be admitted, in any respect, to affect the indefeasible right of Government to hold all such lands answerable, in the first instance, for the public revenue assessed thereupon.—*Reg.* XXV. 1803, *Sect.* 36.

Such transfer declared not to affect the right of Government, to hold the lands answerable for the revenue assessed thereon

Rules for apportioning the fixed jumma on portions of estates, in the event of their being disposed of at public sale, or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors upon the transfer or division being notified to the Collector or other prescribed officer.

Ceded Provinces.

53. Whenever an entire estate (viz. the whole of any landed property, for the assessment on which a distinct engagement has been or shall be entered into between Government and the proprietor, or which shall be separately assessed, although included in one engagement with other estates belonging to the same proprietor,) shall be disposed of, by public or private sale, without any subdivision of such estate, no new allotment of the jumma will be requisite, and the purchaser will succeed to all the rights of the former proprietor in the entire estate. But it is essential, that a declaration should be made of the principles upon which the public assessment, or jumma, charged upon any such estates will be apportioned on the several divisions of it, in the event of the whole of it being transferred by public or by private sale, or otherwise, in two, or more lots, or of a portion of it being transferred in one, or in two, or more lots, or of its being joint property, and a division of it being made among the proprietors. The Governor General in Council has accordingly prescribed the following rules for apportioning the public assessment in the several cases abovementioned, and as Government might sustain a considerable loss of revenue by disproportionate allotments of that assessment, were the apportioning of it, in any of the cases above specified to be left to the proprietors, it is hereby required, that all such transfers or divisions as may be made by the private act of the parties themselves, be notified to the Collector of the revenue of the zillah, in which the lands shall be situated, or such other officer as Government shall in future prescribe, in order that the public assessment, or jumma, charged

upon the whole estate, may be apportioned on the several shares in the manner hereafter directed, and that the names of the proprietors of each share, and the jumma charged thereon, may be entered in the public registers, and that separate engagements for the payment of the jumma, assessed upon each share, may be executed by the proprietors, who will thenceforward be considered as proprietors of distinct estates. If the parties concerned in such transfers or divisions of estates shall omit to notify them to the Collector of the revenue of the zillah, or such other officer as shall be hereafter prescribed, for the purposes before mentioned, the whole of the original estate will be held responsible to Government for the discharge of the jumma assessed upon it, in the same manner as if no such transfer or division had ever taken place. The Governor General in Council deems it to be necessary further to notify in elucidation of the declarations contained in this section, that if any zemindar, independent talookdar, or other actual proprietor of land, shall dispose of a portion of his or her lands as a dependant talook, or any other under-tenure, to remain as a dependancy, subject to the payment of rent to the proprietor of the estate, of which such talook may form a part, the jumma, which may be stipulated to be paid by the dependant talookdar, or other under-tenant, will not be entered in the records of Government, nor will the transfer exempt such lands from being answerable, in common with the remainder of the estate, for the payment of the public revenue assessed upon the whole of it, in the event of the proprietor, or his or her heirs or successors, falling in arrear from any cause whatever, nor will such transfer be allowed in any case to affect the rights or claims of Government, any more than if it had never taken place.—*Reg.* XXV. 1803, *Sect.* 37.

But the transfer of dependant talooks, not to affect the rights or claims of Government in any respect.

54. In the event of the whole estate of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or shall be, concluded, being exposed to public sale, by order of the Governor General in Council, for the discharge of arrears of the public assessment, or in consequence of the decision of a court of justice, in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual neat produce, as the public assessment upon the whole of the lands sold may bear to the whole of their actual neat produce.

Ceded Provinces.

Explanation of the term actual neat produce.

The neat annual produce is to be understood to be the neat annual rent, or other neat produce receivable by the proprietor, after deducting from the gross rent, or other gross produce, the actual expenses of collection, and other usual charges of management, inclusive of the expense of embankments, and similar incidental expenses, where such may be paid by the proprietor from his gross receipts; but exclusive of his malikanah, nankar, or other proprietary income, and all other personal appropriations of the gross produce of his estate; as such can have no claim to consideration, in determining the neat produce for an equal division of landed property, or for the allotment of the public assessment thereon, in conformity to the rules prescribed. The neat produce, as here defined, shall be ascertained in the mode that is or shall be prescribed by the regulations, and the purchaser or purchasers of such lands, and his, her, or their heirs, and lawful successors, shall hold them at the jumma at which they may be so purchased, subject to the general rules in force at the time of sale, for the periodical or permanent assessment of the land revenue.—*Reg.* XXV. 1803, *Sect.* 37, *Cl.* 1.

Ceded Provinces.

55. When a portion of the estate of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or shall be, concluded, shall be exposed to public sale, by order of the Governor General in Council, for the liquidation of arrears of assessment, or pursuant to the decision of a court of justice, the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual neat produce, as the assessment upon the whole of the lands of such proprietor, included in the same estate, may bear to the whole of their actual neat produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual neat produce, as the assessment upon the whole of the lands of such proprietor, included in the same estate, may bear to the whole of their actual neat produce. The actual neat produce of the whole of the lands of such proprietor, whether the portion of them which may be sold be disposed of in one, or in two, or more lots, shall be ascertained in the mode that is or shall be prescribed by the regulations, and the purchaser or purchasers of such lands, and his, her, or their

heirs or successors, will be allowed to hold them at the jumma at which they may be so purchased, subject to the general rules in force, at the time of sale, for the periodical or permanent assessments of the land revenue.—*Reg.* XXV. 1803, *Sect.* 37, *Cl.* 2.

Ceded Provinces.

56. When a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or shall be concluded, shall transfer the whole of his or her estate, in two or more distinct portions, to two or more persons, or a portion thereof to one portion, or to two or more persons in joint property, by private sale, gift or otherwise, the assessment upon each distinct portion of such estate so transferred, shall be fixed by the Collector, or other authorized officer of Government, at an amount which shall bear the same proportion to its actual neat produce, as the assessment upon the whole of the estate of the transferring proprietor, of which the whole or a portion may be so transferred, may bear to the whole of its actual neat produce. This produce shall be ascertained in the mode that is or shall be, prescribed in the regulations, and the person or persons to whom such lands may be transferred, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be so transferred, after the same shall have been duly sanctioned and registered, and engaged for; subject to the general rules in force at the time of transfer, for the periodical or permanent assessment of the land revenue.—*Reg.* XXV. 1803, *Sect.* 37, *Cl.* 3.

Ceded Provinces.

57. Whenever a division shall be made of lands, the settlement of which has been or shall be, concluded with, or on behalf of, the proprietor or proprietors, and that are or may become the joint property of two or more persons, the assessment upon each share shall be fixed by the Collector, or other authorized officer of Government, at an amount which shall bear the same proportion to its actual neat produce, as the jumma assessed upon the whole of the estate divided may bear to the whole of its actual neat produce. This produce shall be ascertained in the mode that is, or shall be, prescribed by the regulations, and the sharers, and their heirs and lawful successors, shall hold their respective shares at the jumma which may be so assessed upon them, after the same shall have been duly sanctioned, registered, and engaged for; subject to the general rules in force, at the time of the division, for the periodical or

permanent assessment of the land revenue.—*Reg.* XXV. 1803, *Sect.* 37, *Cl.* 4.

Rules for adjusting the jumma of lands held khas, or let in farm, in the event of the whole, or any part of them, being disposed of by public sale, or private transfer, or divided amongst the proprietors.

Ceded Provinces.

58. The following rules are prescribed, respecting the adjustment of the public assessment or jumma on the lands of zemindars, independent talookdars, and other actual proprietors of land, whose lands are or may be held khas, or let in farm by Government, in the event of their being disposed of by public sale, or transferred by any private act of the proprietor, or of their being joint property, and a division of them taking place amongst the proprietors.—*Reg.* XXV. 1803, *Sect.* 38.

Ceded Provinces.

59. If the whole, or a portion of the lands of a zemindar, independent talookdar, or other actual proprietor of land, who may not have agreed to the payment of the assessment proposed to him or her, and whose lands are, or shall be, held khas, or let in farm by Government, shall be exposed to public sale, in one, or in two, or more lots, pursuant to the decree of a court of justice, such lands, if khas, shall be disposed of at whatever assessment the Governor General in Council shall deem equitable, and the purchaser or purchasers of such lands, and his or her or their heirs, and lawful successors, shall hold the lands at the assessment at which they shall be so purchased, subject to the general rules in force, at the time of sale, for the periodical or permanent assessment of the land revenue. If the lands, at the time of their being exposed to sale, shall be held in farm, and shall be put up in one, or in two, or more lots, they shall be disposed of under the following conditions. The purchaser or purchasers shall receive during the unexpired part of the term of the lease of the farmer, whatever such proprietor shall have been entitled to receive, in virtue of his or her proprietary rights, on account of the lands so purchased, and such purchaser or purchasers shall, at the expiration of the lease of the farmer, be put in possession of the lands, on his or their engaging to pay such assessment as Government may deem equitable, under the general rules in force for the assessment of the land revenue.—*Reg.* XXV. 1803, *Sect.* 38, *Cl.* 1.

Ceded Provinces.

60. If a zemindar, independent talookdar, or other actual proprietor of land, whose lands are, or may be, held khas, or let in farm, by Government, shall transfer, by private sale, gift or otherwise, the whole or a portion of his or her lands, in one, or in two, or more lots, and such transfer be legal and va-

lid under the regulations, the person or persons to whom the lands may be so transferred, shall be considered to have succeeded to the whole of the proprietary rights of the former possessor, and will accordingly be entitled to receive any malikanah or nankar, to which the former proprietor was entitled, on account of the lands so transferred. Persons to whom such lands may be so transferred, will stand in the same predicament as the zemindars, independent talookdars, or other actual proprietors of land, mentioned in Section 33, whose lands are held khas, or have been let in farm, in consequence of their refusing to pay the assessment required of them, under the before-mentioned regulations for the decennial settlement, and the declarations contained in that Section are to be held applicable to them.—*Reg.* XXV. 1803, *Sect.* 38, *Cl.* 2.

Ceded Provinces.

61. In the event of a division being made of lands that are, or shall become, the joint property of two or more persons, and which are, or shall be, held khas, or let in farm, by Government, the proprietors of the several shares will stand in the same predicament, with regard to their respective shares, as the zemindars, independent talookdars, and other actual proprietors of lands, specified in Section 33, whose lands have been let in farm or are held khas, by Government, in consequence of their having refused to pay the assessment required of them; and the declarations contained in that Section are to be considered applicable to them.—*Reg.* XXV. 1803, *Sect.* 38, *Cl.* 3.

Nothing in the two preceding Sections to preclude the revision of allotments of the assessment on portions of estates in cases of evident error, collusion or fraud.

Ceded Provinces.

62. Nothing in the two preceding sections shall be understood to preclude the revision and correction of allotments of the public assessment, upon portions of estates disposed of by public sale, or private transfer, or upon the partition of joint estates, in cases of evident error, collusion, or fraud, for which provision has been made by Regulation XXVI. 1803, prescribing rules for the sale and division of lands paying revenue to Government; nor shall any thing in the foregoing section be construed to authorize the Collectors, or any other officers of Government, to determine finally the amount of the public assessment to be allotted upon the portion of an estate, whether publicly or privately disposed of, or divided between sharers, without the sanction of the Board of Revenue, as more fully provided for by the regulation above-mentioned.—*Reg.* XXV. 1803, *Sect.* 39.

SECT. II.

Settlement for Fussily, 1213—1215.

Rules contained in the second article of the proclamation, published under date the 14th July 1802, for the formation of the second triennial settlement of the revenue in the ceded provinces, commencing with the year 1213, F. S. rescinded.

Ceded Provinces.

63. The rules contained in the second article of the proclamation published by the Honourable the late Lieutenant Governor, and the Board of Commissioners for the affairs of the provinces ceded by the Nawaub Vizier to the English East India Company, under date the 14th July 1802, (and confirmed with certain modifications, by Section 29, Regulation XXV. and Section 53, Regulation XXVII. 1803,) which direct that the second triennial settlement of the land revenue ordered to be concluded in those provinces, and commencing with the year 1213 of the Fussily era, shall be increased in the proportion of two-thirds of the difference between the annual amount of the first triennial settlement concluded for the years 1210, 1211, and 1212, and the actual yearly produce of the land at the period of the expiration of the said settlement, are hereby rescinded; and the following rules are prescribed for concluding the ensuing triennial settlement of the land revenue in the Ceded Provinces for the years 1213, 1214, and 1215, of the Fussily era.—*Reg.* V. 1805, *Sect.* 2.

The following rules prescribed for concluding the ensuing settlement, commencing with the year 1213, F.S.

The settlement for the years 1213, 1214 and 1215, to be concluded with those landholders, and farmers who shall have fulfilled their engagements for the three preceding years, at the annual jumma payable by them under the first triennial or other settlement, expiring with the year 1212 F. S.

Ceded Provinces.

64. In all instances (with the exceptions specified in Section 7,) (68) in which the zemindars, or other landholders, or the farmers of land, with whom the settlement was concluded for the years 1210, 1211, and 1212, Fussily, or with whom a settlement shall have been concluded at any period of time during those years, shall have fulfilled their engagements with Government, the settlement of their estates, or farms, for the ensuing three years, 1213, 1214, and 1215 Fussily, shall be concluded with such zemindars, landholders, or farmers, at the same annual jumma as was payable by them, under the first triennial or other settlement, expiring with the current year 1212 Fussily.—*Reg.* V. 1805, *Sect.* 3.

Landholders and farmers who shall have obtained remissions, and who shall have discharged the jumma of their estates or farms with the exception of such remissions, shall be considered to have fulfilled their engagements.

Ceded Provinces.

65. All zemindars, or other landholders, or farmers of land, who shall have obtained remissions from Government, on account of drought, or other cause, shall be considered to have fulfilled their engagements, provided they shall have discharged the whole amount of the jumma of their respective estates, or farms, with the exception of the amount of such authorized remissions.—*Reg.* V. 1805, *Sect.* 4.

66. In instances in which the first triennial settlement for the

years 1210, 1211, and 1212 Fussily, shall have been concluded at an annual increase, under the orders of the late Lieutenant Governor, and the Board of Commissioners, adverted to in Clause First, Section 30, Regulation XXV. 1803, instead of an equal, annual jumma, as prescribed by the original rules for concluding the settlement of the land revenue in the ceded provinces, the ensuing triennial settlement, for the years 1213, 1214 and 1215 Fussily, shall be concluded at the jumma payable on account of the current year 1212 Fussily.—*Reg.* V. 1805, *Sect.* 5.

In instances in which the first triennial settlement shall have been concluded at an annual increase, the ensuing settlement shall be concluded at the jumma payable for the year 1212.

Ceded Provinces.

67. If any zemindar, or other landholder, or farmer of land, shall decline entering into engagements for the ensuing triennial settlement, on the terms prescribed by this regulation, the Governor General reserves to himself the power of authorizing the conclusion of the settlement of the lands comprized in the estates or farms of such landholders or farmers, for the years 1213, 1214 and 1215 Fussily, or for any proportion of the said period, with any other person or persons who shall be willing to enter into engagements for the payment of the revenue of the said lands.—*Reg.* V. 1803, *Sect.* 6.

If any landholder or farmer shall decline entering into engagements for the ensuing settlement, on the terms prescribed by this regulation the G. G. in Council reserves to himself the power of concluding the settlement with any other person or persons willing to enter into engagements on the prescribed terms.

Ceded Provinces.

68. Nothing contained in this Regulation shall be considered to affect any settlements which shall have been actually concluded for the whole or any part of the ensuing three years 1213, 1214 and 1215 Fussily; neither shall any part of this Regulation be construed to preclude the operation of the rule prescribed by Section 33, Regulation XXV. 1803, (45) under which the zemindars, independent talookdars, and other actual proprietors of land, whose lands have been let in farm, are entitled, at the expiration of the present triennial settlement ending with the year 1212 Fussily, to be reinstated, under the general regulations prescribed for such cases, in the management of their estates, upon their agreeing to the payment of the assessment required of them.—*Reg.* V. 1805, *Sect.* 7.

Settlements actually concluded for any part of the years 1212, 1214, and 1215, to remain in force.

Ceded Provinces.

The operation of Section 33, Regulation XXV, 1803, not precluded by any part of this regulation.

SECT. III.

Settlement for 1216—1219. (3)

69. A commission shall be constituted, consisting of two members, for the superintendence of the ensuing settlement, and for the general control of the Collectors in the discharge of their several public duties, in the ceded and conquered pro-

A commission constituted for superintending the ensuing settlement and the general control of the Collectors in the ced-

ed and conquered provinces, with exception to the assigned territory at Delhi and the zillah of Cuttack.

Ceded Provinces.

vinces with the exception of the territory assigned for the support of the Royal family at Delhi; and the zillah of Cuttack. —*Reg.* X. 1807, *Sect.* 2.

What duties, powers and authority to be vested in the commissioners.

Ceded Provinces.

70. The Commissioners in the ceded and conquered provinces are hereby vested with all the duties, power, and authority which have been hitherto exercised by the Board of Revenue, in the ceded and conquered provinces, with the exception of the district of Cuttack which shall remain subject to the Board of Revenue as heretofore. In like manner the duties hitherto performed by the Secretary and Accountant to the Board of Revenue, shall be henceforth performed, so long as this regulation shall remain in force by the Secretary and Accountant to the Board of Commissioners.—*Reg.* X. 1807, *Sect.* 3.

Cuttack to remain subject to control of the Board of Revenue.

Duties to be performed by the Secretary and Accountant to the Commissioners.

Commissioners to superintend the formation of the settlement by the Collectors as far as may be practicable in person.

Ceded Provinces.

71. The primary object of the present commission, being the superintendence of the ensuing settlement of the land revenue, in the ceded and conquered provinces, and a proper application of the principle, prescribed by the existing Regulations, for the allotment of the public assessment, it shall be the duty of the Commissioners to superintend the performance of that duty by the Collectors, as far as circumstances will permit, on the spot, by proceeding from time to time into the different districts, according as they may be of opinion that their presence may be necessary or advisable.—*Reg.* X. 1807, *Sect.* 4.

Notification that the assessed jumma of the last year of the settlement in the ceded and conquered provinces, immediately ensuing the present one shall remain fixed for ever on certain conditions.

Ceded Provinces.

72. The provision contained in Section 29, Regulation XXV. 1803, prescribes that at the expiration of the existing settlement, in the provinces ceded by the Nawaub Vizier, a new settlement shall be made for the period of four years. In like manner, the rules contained in Sections 4, 5, and 6, Regulation IX. 1805, require, that at the expiration of the ensuing settlement in the conquered provinces, and in the Zillah of Bundlekund, two more temporary settlements shall be made in the said conquered provinces, and in the zillah of Bundlekund respectively. The Governor General however hereby notifies to the zemindars and other actual proprietors of land, in the ceded and conquered provinces that the jumma which may be assessed on their estates, in the last year of the settlement, immediately ensuing the present settlement, shall remain fixed for ever; in case the zemindars shall now be willing to engage for the payment of the public revenue on those terms in perpe-

tuity, and the arrangement shall receive the sanction of the Honourable the Court of Directors.—*Reg.* X. 1807, *Sect.* 5.

SECT. IV.

Settlement for 1220—1224.

Preamble.

Ceded Provinces.

73. Whereas it was enacted in Section 5, Regulation X. 1807, with respect to estates paying revenue to Government in the provinces ceded by His Excellency the Nawaub Vizier, that the jumma which might be assessed upon them in the last year of the quartennial settlement, commencing with the Fussily year 1216, and terminating with the year 1219, should remain fixed for ever, provided that the arrangement should receive the sanction of the Honourable the Court of Directors; and whereas the Honourable Court, in the exercise of the discretion expressly reserved to them by the rule above cited, have not deemed it advisable to confirm that arrangement, the following rules have been enacted, to be immediately in force in the ceded provinces.—*Reg.* IX. 1812, *Sect.* 1.

Certain part of Section 5, Regulation X. 1807, rescinded.

Ceded Provinces.

74. Such part of Section 5, Regulation X. 1807, as declares provisionally, that the jumma, which may be assessed on the estates of the zemindars and other actual proprietors of land in the ceded provinces, shall remain fixed for ever, is hereby rescinded.—*Reg.* IX. 1812, *Sect.* 2.

Declaration contained in Clause Fourth, Section 29, Regulation XXV. 1803, respecting a permanent settlement to be concluded after a period of ten years, to be in full force and effect.

Ceded Provinces.

75. It having been declared in Clause 4th, Section 29, Regulation XXV. 1803, with reference to the settlement then depending, that at the end of ten years, a permanent settlement would be concluded with the same persons, (if willing to engage, and if no others having a better claim should come forward) for such lands, as might be in a sufficiently improved state of cultivation to warrant the measure, on such terms as Government should deem fair and equitable, the said rule is hereby declared to be in full force and effect.—*Reg.* IX. 1812, *Sect.* 3.

The Board of Commissioners to ascertain what estates are in a state of cultivation to warrant the conclusion of a permanent settlement, and rules for the formation of it.

Ceded Provinces.

76. Under the provision contained in the preceding section, it will of course be the duty of the Board of Commissioners to ascertain what estates may be in a state of cultivation to warrant the conclusion of a permanent settlement. In all such cases a revision shall be made of the jūmma assessed on the said estates, on the principle of leaving to the proprietors a net income of ten per cent. on the jumma exclusive of charges of

collection; and a settlement shall be concluded with the proprietors, subject of course to the approval of the Governor General in Council accordingly. The jumma which may be so fixed on the estates of the zemindars and other actual proprietors of land, shall in conformity to the tenor of the proclamation originally issued by the late Lieutenant Governor and Board of Commissioners, and afterwards incorporated into Regulation XXV. 1803, remain fixed for ever.—*Reg.* IX. 1812, *Sect.* 4.

Report to be made to Government of such estates as may not be in a sufficiently improved state to admit the conclusion of a permanent settlement.

Ceded Provinces.

77. Under the rule contained in Section 3 of this Regulation it will likewise be the duty of the Board of Commissioners to submit to the Governor General in Council, a report specifying the estates, which may not appear to be yet in a sufficiently improved state of cultivation to admit of the conclusion of a permanent settlement, without a sacrifice of those resources, which may hereafter be derived from them for the exigencies of Government. In all cases of that nature the Governor General in Council will determine on consideration of the information which may be furnished by the Board of Commissioners, whither the settlement of such estates shall be made for the term of three or five years, or for any other period, according as may appear most conducive to the public interests.—*Reg.* IX. 1812, *Sect.* 5.

SECT. V.

Settlement for 1224—1229.

The existing settlement of the land revenue of the ceded provinces, in certain cases, to continue in force until the expiration of the year 1229 Fussily.

Ceded Provinces.

78. The existing settlement of the land revenue of the provinces ceded by the Nawaub Vizier to the British Government shall, in all cases in which it may have been concluded with zemindars, or other acknowledged proprietors of land, continue in force until the expiration of the year 1229 Fussily, subject to the following provisions.—*Reg.* XVI. 1816, *Sect.* 2.

The zemindars in whose favour a remission on account of a russud jumma may have been sanctioned by Government will be entitled to the same indulgence during the ensuing quinquennial settlement.

Ceded Provinces.

79. If the russud or progressive increase in the jumma, demandable from the zemindars under their engagements, on account of the year 1224 Fussily, shall in any case have been remitted with the sanction of Government, the zemindars who may have received such remission shall be deemed entitled to the same indulgence during the ensuing quinquennial settlement.—*Reg.* XVI. 1816, *Sect.* 3.

Zemindars who

80. If any zemindars, who may have entered into engage-

ments for the payment of the public revenue during the existing settlement, shall not be willing to continue to hold their lands on the terms specified in the preceding sections of this Regulation, for a further period of five years, viz. to the expiration of the year 1229 Fussily, they shall notify the same to the Collector of the zillah within which their lands may be situated on or before the 1st March 1817, corresponding with the 19th Phagoon, 1223 Bengal era; the 27th Phagoon 1224 Fussily; the 20th Phagoon 1224 Willaity; the 13th Phagoon 1873 Sumbut; and the 12th Rubee-us Sanee 1232 Higeree.—*Reg.* XVI. 1816, *Sect.* 4.

may be unwilling to hold their lands on the terms above specified for a further period of five years, to notify the same to the Collector on or before the 1st March 1817.

Ceded Provinces.

81. All zemindars, who shall not make a notification to the effect and within the period, above-mentioned, shall be held, and are hereby declared to be responsible for the payment of the same revenue during the ensuing five years; viz. until the expiration of the year 1229 Fussily, as may be specified in their engagements for the year 1224 Fussily, subject however to the qualification specified in Section 3 of this Regulation.—*Reg.* XVI. 1816, *Sect.* 5.

Zemindars failing to make that notification within the period above cited, shall be responsible for the payment of the same revenue during the ensuing five years, as may be specified in their engagements for the year 1224 Fussily.

Ceded Provinces.

82. With respect to estates, which are at present let to farm, and of which the leases will expire with the Fussily year 1224, the settlement of such muhals shall be made with the actual proprietors, in all cases in which they may be willing to engage, during the years, 1225, 1226, 1227, 1228, and 1229, for the payment of an annual jumma equal to the amount payable by the farmers respectively on account of the year 1224, and shall make the necessary application to the Collector of the district in which the lands may be situated, or to the Board of Commissioners on or before the 1st March next.—*Reg.* XVI. 1816, *Sect.* 6.

The settlement of estates let to farm, with whom to be concluded.

Ceded Provinces.

83. With respect to lands at present held khas, the settlement of all such lands shall be formed for the years, 1225, 1226, 1227, 1228 and 1229, with the zemindars or other actual proprietors of land, supposing such persons to be willing to engage for the payment of the public revenue on such terms as may appear reasonable.—*Reg.* XVI. 1816, *Sect.* 7.

The settlement of lands held khas how to be formed.

Ceded Provinces.

84. In cases, in which the zemindars may decline to engage for the payment of the revenue demandable from their lands during the ensuing five years, or in which no acknowledged proprietors of the lands may be forthcoming, it will of course be the duty of the revenue authorities to consider whether the

The revenue authorities how to proceed with respect to the lands of zemindars who may decline to engage for the payment of the revenue demandable from

them, for the ensuing five years.

Ceded Provinces.

lands shall be let to farm, or whether the rents shall be collected directly from the great body of the ryots; or in other words whether the lands shall be held khas, or whether a settlement shall be formed for the above period of five years for the several villages with the head ryot, however denominated of each village respectively.—*Reg.* XVI. 1816, *Sect.* 8.

SECT. VI.

Settlement from 1230—1234.

The existing settlement in the ceded provinces to be extended in certain cases for a further period of five years.

Ceded Provinces.

85. The existing settlement of the land revenue in the ceded provinces, with the exception hereinafter specified, shall in all cases in which it may have been concluded with zemindars or persons acknowledged as the proprietors or possessors of a permanent interest in the muhal for which they have engaged, continue in force until the expiration of the year 1234 Fussily, subject to the following provisions.—*Reg.* VII. 1822, *Sect.* 2, *Cl.* 1.

So also the settlement in Cuttack.

Ceded Provinces.

86. In like manner and subject to the same provisions, the existing settlement of the land revenue in the district of Cuttack shall, in all cases wherein it may have been concluded with persons of the above description, continue in force until the expiration of the year 1234 Umlee.—*Reg.* VII. 1822, *Sect.* 2, *Cl.* 2.

Proclamations issued by the Revenue Boards and Commissioners, notifying the proposed extension of the settlement, sanctioned and confirmed.

Ceded Provinces.

Zemindars failing to notify their intention to relinquish their lands under the said proclamations, shall be held responsible for the payment of the present jumma, during the ensuing five years.

87. The Board of Commissioners in the ceded and conquered provinces and the Commissioner in Cuttack, having under instructions from the Governor General in Council caused proclamations to be issued in the several districts under their authority, declaring the resolution of Government to extend the existing leases as above, and requiring all zemindars and other persons aforesaid, who might be unwilling to continue their engagements for a farther period of five years, to notify the same to the Collector of the Zillah, the said proclamations are hereby sanctioned and confirmed; and all zemindars and other persons aforesaid, who shall not have made a notification to the effect and within the period thereby required, shall be held and are hereby declared to be responsible for the same revenue for each of the ensuing five years, viz. until the expiration of the year 1234 Fussily, or 1234 Umlee, as the case may be, as may be demandable from them on account of the present year.—*Reg.* VII. 1822, *Sect.* 2, *Cl.* 3.

88. The districts of Goruckpore and Azimgurh, are excluded from the operation of the rules contained in the preceding clauses of this Section: The zemindars and other persons aforesaid within the said districts shall be allowed to hold, from year to year, the muhals for which they may now be under engagements, subject to the payment of the jumma demandable on account of the present year, until the revenue officers shall be prepared to commence a careful revision of the settlement of their respective estates; and all engagements into which such zemindars and other persons may have entered, or shall enter, with the local revenue authorities, for continuing their present leases as aforesaid, are hereby confirmed.—*Reg.* VII. 1822, *Sect.* 2, *Cl.* 4.

Goruckpore and Azimgurh excluded from the operation of the foregoing clauses.

Ceded Provinces.

Zemindars of these districts to hold on from year to year, until a new settlement shall be made.

89. In like manner the zemindars and other persons aforesaid within the pergunnah of Putaspoor and its dependencies, shall similarly be allowed to hold, from year to year, the muhals for which they may now be under engagements, until a proper settlement of the same can be made.—*Reg.* VII. 1822, *Sect.* 2, *Cl.* 5.

The existing leases in Puttaspoor and its dependencies, to be similarly continued from year to year.

Ceded Provinces.

90. Provided also that it be hereby declared and enacted as a general rule, that if any zemindar or other malgoozar as aforesaid, who may now or hereafter be under engagement for the payment of the revenue demandable by Government on account of any muhal, shall be allowed by the revenue authorities to continue in the management of such muhal after the expiration of such engagement, and shall do or direct any act relative to the cultivation or management of such muhal, or the settlement, assessment, or collection of the rents of such muhal, in or on account of any year subsequent to the term of such engagement, such zemindar or other malgoozar aforesaid shall be held to be responsible on account of such year for the same revenue as may have been demandable from him for the year preceding, unless otherwise specially agreed upon. Provided further, that it shall be competent for Collectors or other officers exercising the powers of Collectors with the sanction of the Board, or Commissioner to whom they may be subordinate, at any time, not being more than six months previous to the expiration of a settlement, to call upon the zemindars and malgoozars, as aforesaid, to declare, whether or not they are willing to continue their engagements for the ensuing year; and if such zemindars or other malgoozars shall not forth-

General rule relative to zemindars holding on after the expiration of their leases.

Ceded Provinces.

Collectors authorized with the sanction of the Board, to require zemindars to state, whether they are willing to continue their engagements.

Zemindars allow-

ed to hold on, shall not be chargeable with additional revenue, excepting in certain cases.

with notify their refusal to do so, they shall be held to have agreed to such an extension of their leases, at the existing assessment, and so on, from year to year, as aforesaid. Zemindars or other malgoozars who may be allowed to hold on from year to year, shall not be chargeable with any additional revenue on account of any year, unless the Collector or other officer exercising the powers of Collector, shall notify his intention to revise the assessment, on, or before the commencement of such year, unless where otherwise specially provided.—*Reg.* VII. 1828, *Sect.* 2, *Cl.* 6.

Settlement how to be made for farmed estates.

Ceded Provinces.

91. With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases for such a period as the Governor General in Council may direct. A preference shall be given to the zemindars or other persons possessing a permanent property in the muhals, if willing to engage for the payment of the public revenue on reasonable terms. Provided also, that in cases wherein such muhals may be let in farm, the term of the lease granted to the farmers shall not exceed twelve years. The above rules shall likewise be applicable to estates now held khas. So in any case wherein the zemindars and other proprietors may refuse to continue their existing engagements, or to enter into new engagements on equitable terms, it shall be competent to the revenue authorities to let the lands in farm for such period not exceeding twelve years, as the Governor General in Council shall appoint, or to assume the direct management of them, and to retain them under khas management during the period aforesaid, or such shorter period as may be judged proper. Provided farther that if in any case it shall appear to the revenue authorities, that the continuance or admission of any rajah, zemindar, talookdar, or other person who may have engaged or may claim to engage for any muhal or muhals, in or to the management of such muhal or muhals, would endanger the public tranquillity, or otherwise be seriously detrimental, it shall be their duty to report the circumstance to Government, and it shall be competent to the Governor General in Council, by an order in Council, to cause such muhal or muhals to be held khas, or let in farm, for such term as may appear expedient and proper, not exceeding the period above specified.—*Reg.* VII. 1822, *Sect.* 3.

For estates held khas.

For estates of recusant zemindars.

Cases in which zemindars may be excluded from, or deprived of the management of their estates.

The admission of

92. In admitting particular parties to engage it was in no

degree the intention of Government to compromise private rights or privileges, or to vest the sudder malgoozars with any rights not previously possessed by them, excepting in so far as their interest in the land for which they may have engaged, might be improved by the limitation of the Government demand, or otherwise by the resignation in their favour of rights previously vested in Government itself, or as it may have been found necessary with a view to the punctual realization of the public dues, to vest the sudder malgoozar, by special regulation, with authority of distraint or other powers of coercion over the under-tenants. On the contrary, it is the anxious desire of Government, and the bounden duty of its officers to secure every one in the possession of the rights and privileges which he may lawfully possess, or be entitled to possess. In pursuance of this principle, it is hereby declared and enacted, that nothing in the above provisions for extending the existing leases, or in the stipulations of the existing settlements, do or shall be construed to bar the revenue officers duly empowered in that behalf, from interfering to adjust the respective rights of the sudder malgoozars and their under-tenants; nor shall any claims to a remission or abatement of revenue, be admitted on the ground of any decision or order passed in that behalf, but if such decision or order shall operate materially to reduce the profits derived by any zemindar or malgoozar from the muhal owned or managed by him, it shall be competent for such zemindar or malgoozar to relinquish his engagements, and the revenue officer shall in such case proceed to make a settlement of the muhal de novo.—*Reg.* VII. 1822, *Sect.* 4.

particular parties to engage for the payment of the public revenue, shall not bar the revenue officers from interfering to adjust the rights of other persons or classes.

Ceded Provinces.

But if the profits of any zemindar be materially reduced by any order or decision of such officer, he shall be at liberty to relinquish his engagements.

93. The provisions contained in the existing Regulations, regarding the allowance to be made to zemindars and other malgoozars who may be excluded from the management of muhals owned or claimed by them, whether as malikanah or nankar, are hereby rescinded.—*Reg.* VII. 1822, *Sect.* 5, *Cl.* 1.

Existing provisions relative to malikanah and nankar rescinded.

Ceded Provinces.

94. The proprietors of estates let in farm or held khas shall be entitled to receive an allowance of malikanah, at such rate as the Board of Commissioners, or other authority exercising the powers of that Board, may determine; any thing in the existing regulations notwithstanding: the said malikanah to be apportioned in cases in which several proprietors may have heretofore held an estate under one common assessment, whether in joint tenancy or otherwise, according to the shares of each respective-

Malikanah to be allowed to proprietors of estates farmed or held khas.

Ceded Provinces.

How to be apportioned among several proprietors.

Not to be less than five, nor without special sanction of Government, more than ten per cent. on the Government jumma.

Subject to what deduction.

ly; provided also, that the malikanah allowance granted to the proprietor or proprietors of any muhal, shall not in any case be less than five per cent. on the neat amount realized by Government from the lands; nor shall it exceed ten per cent. on that amount without the special sanction of the Governor General in Council. Provided further, that if the said proprietors shall in any case be in the receipt of any perquisite, or the profits of any lands in lieu of the nankar formerly granted to them by the native Governments, or otherwise in consideration of their proprietary tenure, the amount of such allowance shall be deducted from the malikanah to which they are by this section declared to be entitled: Provided also that this rule shall not apply to such zemindars as may continue in the occupancy of their tenures, while the muhal in which they are included is held khas or farmed, or of any part of them, that is to say, zemindars who may cultivate or lease their lands, and pay the revenue to the farmer or Government officer, nor without the special sanction of Government to any malgoozar, zemindar, or other proprietor or holder of land, who may directly or indirectly continue to draw any allowance from the ryots of the lands farmed or held khas: Provided also, that malgoozars not being actual proprietors of the land included in the estate for which they may have formerly been under engagements, though recorded in the accounts of past settlements as zemindars, talookdars or the like, or being proprietors of a part only of such land, shall not receive the above allowance on the jumma of the estate, but shall receive such allowance in lieu of their title of management, as it may appear to Government to be equitable to assign in addition to the malikanah to which they may be entitled on account of any lands held by them in actual property, and of which they may not retain the occupancy: and no malikanah shall be granted to any sudder malgoozar on account of lands, the occupants of which may deny his right of property until he shall have established his right by a regular suit in a court of justice, or to the satisfaction of the Board. But in such cases, such provision will be made for the intermediate support of the party, as the Governor General in Council may, on the recommendation of the Board see fit to direct.—*Reg.* VII. 1822, *Sect.* 5, *Cl.* 2.

No malikanah allowance under this rule to be granted to zemindars, who may continue to occupy their lands under the farmer or Government officer.

Nor without special sanction to zemindars making collections from the ryots.

Provision for the case of malgoozars not proprietors, or only part proprietors of the muhals for which they may have been under engagements.

Zemindars may be called upon to state the jumma for

95. Provided also, that if any zemindar or sudder malgoozar shall have been called upon by a Collector, or other officer

exercising the powers of a Collector, to state the highest amount of jumma for the payment of which he may be willing to engage, and shall have stated the same accordingly, the sum so stated by such zemindar or sudder malgoozar, and not the jumma ultimately realized by Government, shall form the basis on which his malikanah allowance shall be adjusted, and in such case, it shall and may be lawful for the revenue authorities to limit the said allowance to five per cent. on the said sum, or to a portion thereof, according to the extent of the proprietary interest possessed by the said zemindar or sudder malgoozar. Provided also, that if a zemindar or sudder malgoozar when so called upon shall fail to specify or tender any sum as aforesaid, then, and in that case, the neat revenue derived by Government from the muhal on account of the year preceding that in which the Collector or other officer aforesaid may make the said requisition, shall be taken as the sum by which the amount of malikanah (not being less than five, nor more than ten per cent. on the same) shall be adjusted.—*Reg.* VII. 1822, *Sect.* 5, *Cl.* 3.*

which they may be willing to engage, and their malikanah allowance may be adjusted according to the amount tendered by them.

Or by the net revenue of the preceding year, if no tender be made.

96. It is hereby declared that the rules concerning malikanah contained in Section 5, Regulation VII. 1822, were intended to have prospective effect only, and to be applicable solely to settlements made under that Regulation, and to recusance tendered at the completion of such settlements.—*Reg.* IX. 1833, *Sect.* 11.

Ceded Provinces.

* By Reg. IX. 1825, Sect. 2, the clauses from 90 to 95 (together with the remaining parts of the Regulation VII. of 1822,) are extended to all lands not included in estates permanently assessed.

SECT. VII.

Settlement from 1235—1239.

97. The existing settlement in the ceded provinces, (with the exceptions, and subject to the provisions hereinafter stated) shall be extended to a further period of five years, viz. for the year 1235 to 1239, Fussily, inclusive, in cases in which it may have been concluded with zemindars, lumberdars, or other persons recorded as the proprietors or possessors of a permanent interest in the muhal for which they may have engaged, or as the representatives of such persons.—*Reg.* II. 1826, *Sect.* 2, *Cl.* 1.

The existing settlement in the ceded provinces extended to a further period of five years.

Ceded Provinces.

98. If any zemindars and other persons aforesaid, shall be unwilling to continue their engagements for a further period of

Zemindars, if unwilling to continue their engage-

ments for a further period of five years to notify the same to the Collector within a certain period.

Ceded Provinces.

On failure, to be responsible for the payment of revenue for each of the five years.

five years, on the terms specified in this Regulation, they shall notify the same to the Collector, or other officers exercising the powers of the Collector, to whom they may be subject, on or before the 31st July next, corresponding with the 12th Sawun 1233, of the Fussily era. And all zemindars and other persons aforesaid, who shall not make a Notification to the effect, and within the period above-mentioned, shall be held and are hereby declared to be responsible for the payment of the same revenue for each of the five years subsequent to the settlement now in force, viz. for the years 1235 to 1239 inclusive, as may be specified in their engagements for the year 1234, Fussily. And in such cases no alteration shall be made in the jumma, demandable by Government on account of the muhals held by such persons (excepting as hereinafter excepted) until the expiration of the said period of five years.—*Reg.* II. 1826, *Sect.* 2, *Cl.* 2.

The foregoing rules not applicable to the districts of Goruckpore and Azimghur, nor to any engagements specifically entered into on account of any year or years subsequent to the settlement now in force.

Ceded Provinces.

99. The above rules shall not apply to the districts of Goruckpore and Azimghur, for which special provision was made by Clause 4, Section 2, Regulation VII. 1822, nor shall they be held in any district to affect the terms of any engagements which may have been specifically entered into on account of any year or years subsequent to the general settlement now in force. —*Reg.* II. 1826, *Sect.* 2, *Cl.* 3.

Power vested in Collectors to exclude from the operation of the foregoing rules any muhals of which a revised settlement may have been made, or be about to be made under Regulation VII. 1822.

Ceded Provinces.

100. It shall be competent to Collectors and other officers exercising the powers of Collectors, subject to the orders of the Board of Revenue, to which they may be subordinate, to exclude from the operation of the preceding rules, any muhal or muhals, of which a revised settlement may have been made, or be about to be made, under the rules of Regulation VII. 1822, or in regard to which there may in the judgement of these authorities, exist any special reasons for effecting an early re-settlement of the same, and in the cases of muhals of the last description, it shall be competent to the Collectors, or other officers aforesaid, to make an immediatte re-settlement of the same on the expiration of the existing leases; or to grant to the persons under engagements renewed leases for such further term (not exceeding five years) as the Board may direct. Provided, however, that in all cases, in which it may be determined to adopt special measures as above, in regard to any muhal, or muhals, the Collector, or other officer aforesaid, shall give notice of such determination in writing to the person under engagements for the same on or before the 1st March, 1827. A perwannah delivered

Notice to be given by Collectors on such occasions to the malgoozars

to or left at the usual residence of the malgoozar, or a notification stuck up, under orders of the Collector, in any conspicuous place within the muhal, shall be held to be sufficient notice for the above purpose.—*Reg.* II. 1826, *Sect.* 2, *Cl.* 4.

Zemindars and other persons who may be continued in their engagements for a further period of five years, shall be subject, after the expiration of the lease, to the payment of the same annual jumma as may be chargeable on account of the last year of their lease.

101. Zemindars and other persons, as aforesaid, whose engagements shall be continued for a further period of five years, as above provided, as well as all other persons who may hereafter enter into engagements as proprietors, or as the representatives of proprietors, shall, after the expiration of the leases so extended or granted, hold the muhals for which they may have engaged, or may hereafter engage; and shall continue to be subject to the payment of the same annual jumma, as may be chargeable on account of the last year of their lease, until the Collector, or other officer exercising the powers of Collector, shall effect a detailed revision of the settlement in the mode prescribed by Regulation VII. 1822, or shall be otherwise specially authorized by Government to make a fresh assessment. Provided also, that no zemindar, or other malgoozar as aforesaid, shall be liable to pay, on account of any year a higher jumma than that payable under the above rule, unless he shall have been apprized of the Board's approval of the new assessment on or before the month of Jeyt preceding. Nor shall any such zemindar, or other malgoozar be ousted from the management of any muhal for which he may be under engagements, without such notice, except by due course of law, on a decision in favour of the title of another party claiming the property of the same.—*Reg.* II. 1826, *Sect.* 3.

Ceded Provinces.

Proviso.

What rules to be observed in the settlement of estates now let to farm on the expiration of the existing leases.

102. With respect to estates which are, at present, let to farm, a settlement thereof shall be made on the expiration of the existing leases for such a period as the Governor General in Council may direct; a preference shall be given to the zemindars, or other persons possessing a permanent property in the muhals, if willing to engage for the payment of the public revenue, on reasonable terms. Provided also, that in cases wherein such muhals may be let in farm, the term of the lease granted to the farmer shall not, excepting as hereinafter excepted, exceed twelve years. The above rules shall likewise be applicable to estates now held khas; so in any case wherein the zemindars and other proprietors may refuse to continue their existing engagements on equitable terms, it shall be competent to the revenue authorities to let the lands in farm, for such pe-

Ceded Provinces.

Rules when muhals may be let in farm.

The above rules to be applicable to estates now held khas.

riod, (with the restriction herein specified) as the Governor General in Council shall appoint, or to assume the direct management of them, and to retain them under khas management during the period aforesaid, or such shorter period as may be judged proper. Provided also, that in cases wherein it shall appear, that the zemindars have wilfully reduced the cultivation of their lands, or otherwise deteriorated the muhal, under their management, or in their occupancy, it shall be competent to the Revenue authorities to exclude persons so offending, and to let the lands in farm, for a period of fifteen years. Leases for a like period may also be granted to zemindars and farmers, in cases where, from special local circumstances, the measure may appear necessary, with a view to the reclaiming of wastes, the construction of works requisite for the extension of cultivation, or otherwise, for the improvement of the country.—*Reg.* II. 1826, *Sect.* 4.

Zemindars liable to be excluded for wilfully reducing the cultivation of their lands.

CHAPTER IV.

SETTLEMENT OF THE LAND REVENUE.

Conquered Provinces.

SECT. I.

Original Proclamation and First Settlement.

1. The following articles of a proclamation, which is hereby addressed by the Governor General in Council to the zemindars, independent talookdars, and other actual proprietors of land, paying revenue to Government, in the conquered provinces situated within the Dooab (or country lying between the rivers Ganges and Jumna) and on the right bank of the river Jumna, ceded to the Honourable the English East India Company by Dowlut Rao Scindiah; and in the territory situated in Bundlecund on the right bank of the river Jumna, ceded to the Honourable the English East India Company by the Peshwah; are enacted into a regulation.—*Reg.* IX. 1805, *Sect.* 1. *Conq. Provinces.*

PROCLAMATION. Proclamation.

2. ART. I. Whereas by Regulation IX. 1804, and Regulation VIII. 1805, the laws and regulations established by the British Government, for the internal administration of the provinces ceded to the Honourable the English East India Company by the Nawaub Vizier, have been extended, with such modifications and qualifications as were deemed necessary, to the conquered provinces situated within the Dooab and on the right bank of the river Jumna, ceded to the Honourable the English East India Company by Dowlut Rao Scindiah; and to the territory in Bundlecund, situated on the right bank of the river Jumna, ceded to the Honourable the English East India Company by the Peshwah: And whereas it is the intention of the Preamble. *Conq. Provinces.*

British Government; at the expiration of the current year 1212, Fussily, to adopt a plan, for the settlement of the land revenue in the said territories, upon principles of moderation and justice: And whereas it is of importance, that the terms and conditions of such settlement should be made known throughout the territories aforesaid, as early as may be practicable: And whereas it is essential, to the security of the rights and interests of the zemindars, and other landholders, in the said territories, that the nature of their right of property, in their respective estates, under the terms and conditions hereafter recited, should be publicly acknowledged and declared; it is accordingly hereby proclaimed as follows.—*Reg.* IX. 1805, *Sect.* 2.

The sayer to be separated from the mâl, and a settlement to be made for the latter for three years, from the commencement of 1213, Fussily, with the exception in the fifth article.

Cong. Provinces.

3. ART. II. At the commencement of the year 1213 Fussily, the sayer of every denomination will be separated from the mâl or land revenue; and a settlement will be concluded for the land revenue only, in all practicable cases, with the zemindars, or other actual proprietors of the soil, (unless when disqualified by notoriously bad character, or other good and sufficient cause) for a period of three years; viz. for the years 1213, 1214, and 1215 Fussily, (with the exception specified in the fifth article) at a fixed, equal, annual jumma; it being understood, that such zemindars as are huzzoor tehseel, or allowed to pay their kists immediately to the Collector of the zillah, shall be responsible for maintaining the police of their respective zemindarries, with the exception of the police in cities, large towns, and principal gunges, the expense of which will be defrayed by Government. In instances, however, in which, from calamity of season, or other good and sufficient cause, any landholder may be unwilling to engage for his lands at such a jumma, for the first year of the lease, as Government would otherwise be entitled to demand, with a reference to the probable resources and produce of the lands during the whole of the lease, the settlement will be concluded, for the first lease of three years, at a fair and equitable annual increase, instead of a fixed, equal, annual jumma. The cabooleats executed by zemindars, and other actual proprietors of land, or farmers of land, shall contain a clause, restricting them from collecting sayer duties, or any duties whatever, in their respective estates or farms. The Collectors are required to explain fully the nature and extent of this restriction, in order that persons, desirous of entering into engagements, may regulate their pro-

At a fixed equal, annual, jumma.

Huzzoory tehseel zemindars to be responsible for the police, with certain exceptions.

Settlement to be made at an annual increase in certain cases.

Restriction to be inserted in the cabooleats of the zemindars.

posals accordingly. No settlement shall be considered final, until it shall have received the sanction of the Governor General in Council.—*Reg.* IX. 1805, *Sect.* 3.

All settlements to receive the previous sanction of the Governor General in Council.

4. ART. III. At the expiration of the three years specified in the foregoing article, another settlement will be concluded with the same persons, (if willing to engage) for a further period of three years; viz. for the years 1216, 1217, and 1218 Fussily, (with the exception specified in the fifth Article) at a fixed, equal, annual jumma, which jumma shall be formed, by taking the difference between the annual amount of the first lease and the actual yearly produce of the land at the time of its expiration, and adding two-thirds of such difference to the annual rent of the first lease.—*Reg.* IX. 1805, *Sect.* 4.

Rules for concluding a second triennial settlement.

Conq. Provinces.

5. ART. IV. At the expiration of the year 1218 Fussily, a new settlement will be concluded with the same persons, (if willing to engage) for a further period of four years; viz. for the years 1219, 1220, 1221, and 1222 Fussily (with the exception specified in the fifth Article) at a fixed, equal, annual jumma, which jumma shall be formed by adding to the annual rent of the second three years three-fourths of the neat increase of revenue during any one year of that period.—*Reg.* IX. 1805, *Sect.* 5.

Rules for concluding a new settlement for four years, on the expiration of the preceding one.

Conq. Provinces.

6. ART. V. The settlement of the land revenue in the territory in Bundlecund, ceded to the Honourable the English East India Company by the Peshwah, to be formed at the commencement of the year 1213 Fussily, will be concluded for one year only, in the first instance, under the general rules notified in this proclamation. The three succeeding settlements of the land revenue in the territory aforesaid be concluded for the following periods of time, first, for the years 1214, 1215, and 1216 Fussily; secondly, for the years 1217, 1218, and 1219 Fussily; and thirdly, for the years 1220, 1221, and 1222 Fussily; under the terms and conditions specified in this proclamation.—*Reg.* IX. 1805, *Sect.* 6.

Rules for concluding the several settlements in zillah Bundlecund.

Conq. Provinces.

7. ART. VI. At the end of the ten years, expiring with the year 1222 Fussily, a permanent settlement will be concluded with the same persons, (if willing to engage, and if no other persons, having a better claim, shall come forward,) for such lands as may be in a sufficiently improved state of cultivation to warrant the measure, on such terms as Government shall deem fair and equitable.—*Reg.* IX. 1805, *Sect.* 7.

Rules for concluding a permanent settlement, on the expiration of 1222 Fussily.

Conq. Provinces.

Nankar to be allowed to zemindars, in certain cases and at what rate.

Conq. Provinces.

8. ART. VII. Those zemindars who may decline entering into engagements for their estates, as also those zemindars whose offers may be rejected by Government, shall, for the present, be allowed the same nankar which they have hitherto received from the ruling power for the time being; provided the rate of such nankar shall not, in either of the cases above stated, exceed ten per cent. on the jumma of the estate.—*Reg.* IX. 1805, *Sect.* 8.

In instances in which lands are mortgaged, or transferred on security, the settlement to be made with the person in possession.

Conq. Provinces.

9. ART. VIII. With respect to such zemindarries as may have been mortgaged, and transferred on security, and possession thereof actually given to the mortgagees, or sureties, the settlement will be made with the person in possession of the land, as the temporary representative of the proprietor, leaving the latter to obtain possession, either by a private settlement of accounts, or by a judicial process.—*Reg.* IX. 1805, *Sect.* 9.

Rule for concluding the settlement of small talooks, or estates, nominally included in large zemindarries.

Conq. Provinces.

10. ART. IX. The settlement of such small talooks, or estates, as may be only nominally included in large zemindarries, in the sudder jumma of which their jumma may be comprehended, will be made, separately and distinctly, with the proprietors of such small estates; and they will be allowed to pay their revenue directly to the tehseeldars on the part of Government, or to the Collector of the Zillah, as may be deemed advisable; provided, however, that the talookdars, or proprietors, of such small talooks, or estates shall be desirous of the separation, or the zemindars shall require it. In the event of a zemindar considering himself aggrieved by a separation made, in conformity to the foregoing rule, or of a talookdar being dissatisfied at not being separated from a zemindarry, agreeably to what he may have considered as his right; in either case, the party considering himself aggrieved will be at liberty to seek redress in the courts of justice. The Collectors, however, shall not allow any disputed claims to interfere with, or delay, the immediate conclusion of the settlement, which, in all doubtful cases, shall be made with the person in possession. —*Reg.* IX. 1805, *Sect.* 10.

A zemindar or talookdar considering himself aggrieved by a separation made in conformity to the foregoing rule, how to proceed.

In doubtful cases, the settlement to be made with the person in possession.

Where there are no proprietors, or the proprietors refuse to engage, a village settlement to be concluded for three years.

Conq. Provinces.

11. ART. X. With respect to such lands as are without proprietors, or the proprietors of which may decline entering into engagements, a village settlement shall be concluded, for three years, from the commencement of the year 1213, or the year 1214 Fussily, according as the settlement may be concluded in

the provinces ceded by Dowlut Rao Scindiah, or in the territory ceded by the Peshwah, at a fixed, equal, annual jumma; with the reservation contained in the concluding part of the second article relative to forming the settlement, in certain cases, at an annual increase. In instances in which a village settlement shall be concluded in Bundlecund, at the commencement of the year 1213, Fussily, such settlement shall be formed only for one year. In all cases of the description mentioned in this article, a preference will be given to the mocuddums, purdhauns, or respectable ryots, of the several villages.—*Reg.* IX. 1805, *Sect.* 11.

Exception with respect to Bundlecund.

Preference to be given to mocuddums, purdhauns, and respectable ryots.

12. ART. XI. In instances in which neither proprietors nor farmers shall be forthcoming, or in which they shall not tender suitable conditions of agreement, a khas or bowlee settlement shall be concluded with the ryots for lands in such predicament; stipulating the shares to be received by the ryots from the different description of land, as follows: in politch lands, or such as are in full cultivation, Government shall receive five pusserees, and the ryot three pusserees: in chunchur lands, or such as have not been cultivated for two or three years, Government shall receive two, and the ryot six pusserees: in bunjur, or waste lands, Government shall receive one, and the ryot seven pusserees. Chunchur lands, after one year, and bunjur lands, after two years, shall be considered equal to politch. Bunjur lands, after one year, shall be considered equal to chunchur. In khas settlements, the bhaint, or nuzzerana, shall be abolished. The wages of the putwarries shall be paid by the ryots; but the expense of the mussahut, or measuring, and valuing the crops, shall be defrayed by Government, in consideration of the additional pusseree received out of the politch crop. In all cases when crops are valued, the valuation shall be determined by the price current of the day. In khas settlements, the ryots shall engage, that the cultivation of the lands shall not fall off; and that they shall not undertake the cultivation of new lands until they have accomplished that of the land already engaged for by them.—*Reg.* IX. 1805, *Sect.* 12.

A khas or bowlee settlement to be concluded, where no other can be formed.

Conq. Provinces.

Rules for dividing the produce between Government and the ryots where a khas settlement shall be made.

Nuzzerana or bhaint abolished. Putwarries' wages to be paid by the ryots.

Expense of measuring and valuing crops to be defrayed by Government.

Valuation to be determined by the price current of the day.

Ryots to engage to keep up the cultivation.

13. ART. XII. All authorized abwaubs shall be consolidated and incorporated with the land rent, and expressed in the pottahs and cabooleats; and nothing but what is there expressed shall be collected from the ryots or under-renters.—*Reg.* IX. 1805, *Sect.* 13.

All authorized abwaubs to be consolidated with the land rent, and expressed in the pottahs and cabooleats.

Conq. Provinces.

Persons entering into engagements to grant pottahs of the above description to the ryots;

Conq. Provinces.

14. ART. XIII. All persons who may enter into engagements for the settlement, shall bind themselves by written obligations, to grant pottahs, of the above description, to their ryots and under-renters of every description; specifying the amount to be paid by such ryots and under-renters respectively; and counter engagements shall be executed by the ryots and under-renters of a similar tenor and purport.—*Reg.* IX. 1805, *Sect.* 14.

who shall execute counter engagements.

Security to be given, by persons entering into engagements with Government, equal to one-fourth of the jumma.

Conq. Provinces.

15. ART. XIV. All persons who may enter into engagements with Government, shall previously give security for the fulfilment thereof, in an amount equal to one-fourth of their annual jumma.—*Reg.* IX. 1805, *Sect.* 15.

In concluding the settlement, the nankar to be deducted from the jumma, if not exceeding ten per cent.

Conq. Provinces.

16. ART. XV. In concluding the settlement of the land revenue, in the territories mentioned in this proclamation, at the commencement of the year 1213 Fussily, the allowance of nankar to such of the zemindars as may engage for their lands shall be regulated by deducting the amount of the nankar from the jumma, and taking engagements from the zemindars for the neat residue; provided that the deduction for nankar shall not, in any instance, exceed ten per cent. on the neat jumma.—*Reg.* IX. 1805, *Sect.* 16.

Rules respecting the claims of persons having claims to lands, who shall not prefer the same within certain periods.

Conq. Provinces.

17. ART. XVI. Persons having claims to lands, for which engagements have been entered into with the present possessors, and who shall not prefer their claim to regain possession of the same within six months from the date (as recorded in the respective zillahs) of issuing this proclamation, shall not be entitled to be restored to the actual possession of such lands, before the expiration of the year 1213 Fussily, if the lands are situated in the zillah of Bundlecund; or before the expiration of the first triennial lease, ending with the year 1215 Fussily, if the lands are situated in the zillah of Allyghur, the northern or southern division of the zillah of Saharunpore, or the zillah of Agra. Persons preferring such claims, in the zillah of Bundlecund, after the expiration of the year 1213 Fussily, and before the conclusion of the first triennial lease in that zillah, ending with the year 1216 Fussily, shall not be entitled to regain possession of the lands claimed by them, until such lease shall expire. Persons who shall not prefer their claims, before the expiration of the first lease of three years; that is to say, before the commencement of the year 1216 Fussily in the zillah of Allyghur, the northern or southern division of the zillah of

Saharunpore, or the zillah of Agra, or before the commencement of the year 1217 Fussily in the zillah of Bundlecund; shall not be entitled to regain possession of the lands claimed by them, until the expiration of the ten years, or the commencement of the year 1223 Fussily. But this rule shall not be considered to restrict persons from preferring their claims, at any time within the ten years.—*Reg.* IX. 1805, *Sect.* 17.

Report to be made to the Board of Revenue, when a Collector shall judge it inexpedient to conclude a settlement with a zemindar; proceedings to be held on the occasion.

Conq. Provinces.

18. ART. XVII. In instances in which a Collector shall judge it to be inexpedient to conclude a settlement with a zemindar, he shall hold proceedings on the subject, detailing, at large, his reasons for rejecting the claim, with whatever information he may have obtained respecting such zemindar; at the same time, receiving the zemindars answer to the objections urged to his claim. The Collector shall then transmit the whole of his proceedings to the Board of Revenue, and shall await their determination thereon.—*Reg.* IX. 1805, *Sect.* 18.

Large zemindarries not to be entrusted to zemindars.

Conq. Provinces.

19. ART. XVIII. The Collectors shall not, in any instance, entrust the settlement, or the collection, of the revenues of a considerable zemindarry to a tehseeldar. The settlement of all zemindarries of the above description shall be concluded immediately by the Collectors, to whom the revenue of such zemindarries shall also be immediately paid. In like manner, the Collectors shall conclude the settlement, and receive immediately into their respective treasuries, the collections of all other lands which they can bring under their immediate superintendence, without detriment to their general avocations.—*Reg.* IX. 1805, *Sect.* 19.

The settlement and collection of all other lands to be likewise managed by the Collectors, in all practicable cases.

Rent of considerable farms to be paid immediately into the treasuries of the Collectors, in certain cases.

Conq. Provinces.

20. ART. XIX. In instances in which lands to a considerable amount shall be let in farm, to one individual, and Government shall be of opinion, from the report of the Board of Revenue, that the other avocations of the Collector will admit of the measure, the rent of such farm shall be paid immediately into the treasury of the Collector, instead of being received through the channel of a tehseeldar.—*Reg.* IX. 1805, *Sect.* 20.

Explanation of the third and fourth articles of this proclamation, respecting the rule to be adopted in adding to the jumma a portion of the increased produce, in concluding the future settlements.

Conq. Provinces.

21. ART. XX. With the view of obviating any misconstruction of the rule to be adopted, in adding to the jumma a portion of the increased produce, in concluding the settlements to be formed, at the commencement of the Fussily years 1216 and 1219, or 1217 and 1220, (according as the settlements shall be concluded in the provinces ceded by Dowlut Rao Scindiah, or in the territory ceded by the Peshwah) it is hereby declared in

explanation of the third and fourth articles of this proclamation, that the amount of the nankar, to which the zemindars will be entitled, conformably to the engagements entered into by them, under this proclamation, shall be deducted from the actual yearly produce of their estates, at the time of the expiration of each lease, and the actual increase of public revenue, to be assessed agreeably to the articles above specified, shall be calculated on the amount of the difference between the actual neat produce, after such deduction, and the annual amount of the former lease. It is, at the same time, declared, that the portion of the increased produce, relinquished to the zemindars under the above-mentioned articles, on the formation of the successive settlements, shall be considered as precluding all claim, on the part of the zemindars, to any further proportion of such increased produce, on account of nankar, in addition to the deduction which will be made and continued to them on this account. —*Reg.* IX. 1805, *Sect.* 21.

A discretionary power vested in the landholders to grant small portions of land for the support of village watchmen, exempt from the payment of rent.

Conq. Provinces.

Such lands resumable, on the death or removal of the persons to whom they may be granted;

and considered responsible for the revenue assessed upon the estates to which they may respectively appertain.

22. ART. XXI. A discretionary power is vested in the landholders to grant small portions of land, exempt from the payment of revenue, for the support of their village watchmen, whenever they shall prefer making such grants to paying the watchmen a pecuniary allowance. Such grants, however, shall be resumable, on the death or removal of the persons to whom they may be made; and the lands thus exempted from the payment of rent, as well as any other lands held by public officers or private servants exempt from rent, in lieu of wages, and not forming part of any authorized lakheraje grants, or tenures, within the provisions of Regulations XXXI. and XXXVI. 1803, shall be considered to form a component part of the malgoozarry lands of the estates to which they may respectively appertain for the revenue assessed upon which they will consequently be held responsible, in common with all other malgoozarry lands included therein.—*Reg.* IX. 1805, *Sect.* 22.

Proprietors of lands held khas or let in farm, will be restored to the management of the same, on agreeing to the payment of the required assessment. Restriction with respect to lands let in farm.

Conq. Provinces.

23. ART. XXII. The Governor General in Council hereby notifies to those zemindars, independent talookdars, and other actual proprietors of land, whose lands may be held khas, or let in farm, in consequence of their refusing to pay the assessment required of them, under this proclamation; that the zemindars, independent talookdars, and other actual proprietors of land, whose lands may be held khas, shall be restored to the management of their lands, upon their agreeing to the payment of the as-

sessment which shall be required of them, in conformity to the prescribed rules for the settlement of the land revenue; and that the zemindars, independent talookdars, and other actual proprietors of land, whose lands may be let in farm, shall not regain possession of their lands, before the expiration of the period for which they may be farmed, (unless the farmers shall voluntarily consent to make over to them the remaining term of their lease,) and the Governor General in Council shall approve of the transfer, but that, at the expiration of that period, upon their agreeing to the payment of the assessment which shall be required of them, they shall be reinstated, under the general regulations, in the management of their estates respectively.—*Reg.* IX. 1805, *Sect.* 23.

Assessment in former times liable to variation at the discretion of the ruling power.

Conq. Provinces.

24. ART. XXIII. It is well known to the zemindars, talookdars, and other descriptions of landholders, in the provinces situated in the Dooab and on the right bank of the river Jumna, which have been ceded to the Honourable the English East India Company by Dowlut Rao Scindiah and the Peshwah, that, from the earliest times, until the present period, the public assessment upon the lands has never been fixed; and that, according to established usage and custom, the rulers of those territories, and their delegates, have exercised a discretionary and despotic authority, in depriving them of the possession of their zemindarries, talooks, and other tenures; whereby their right of property therein has become precarious and of little value; whilst the lands, from being let in farm to strangers, or otherwise disposed of, have been impoverished; and the tenants and cultivators of the soil have been exposed to rapacity and oppression. With a view of promoting the interests of the landholders, and to enhance the value of their estates; as well as to induce them to encourage their under-tenants, and to extend cultivation, under the certainty that they will enjoy the fruits of their industry and good management; the Governor General in Council has by the rules contained in the preceding articles of this proclamation, not only directed a settlement to be immediately made with the zemindars, and other proprietors of land, who shall be willing to engage for the revenue of their respective estates, but has also declared, that a permanent assessment shall be fixed, at the end of ten years, on such lands as shall be in a state of cultivation sufficiently advanced to render it proper to fix the assessment on the same in perpetuity; and the Governor Gene-

Motives of the Governor General in Council for abolishing this usage, and providing for a permanent assessment.

ral in Council further declares the proprietary rights of all zemindars, talookdars, and other descriptions of landholders, possessing a right of property in the lands composing their zemindarries, talooks, or other tenures, to be confirmed and established, under the authority of the British Government, in conformity to the laws and usages of the country, and to the regulations which have been, or shall be hereafter, enacted by the Governor General in Council.—*Reg.* IX. 1805, *Sect.* 24.

The following declarations published to proprietors of land.

Conq. Provinces.

25. ART. XXIV. To prevent any misconstruction of the declaration contained in the foregoing article, the Governor General in Council deems it to be necessary to publish the following declarations to the zemindars, independent talookdars, and other actual proprietors of land.—*Reg.* IX. 1805, *Sect.* 25.

Government to enact such regulations as they may think necessary for the welfare of the dependent talookdars, and cultivators; and proprietors not to withhold the revenue on that account.

Conq. Provinces.

26. It being the duty of the ruling power to protect all classes of people, and more particularly those who, from their situation, are most helpless, the Governor General in Council will, whenever he shall deem it proper, enact such regulations as he shall judge to be necessary, for the protection and welfare of the dependent talookdars, ryots, and other cultivators of the soil; and no zemindar, independent talookdar, or other actual proprietor of land, shall be entitled, on this account, to make any objection to the discharge of the assessment on their lands which they have respectively agreed, or may hereafter agree, to pay.—*Reg.* IX. 1805, *Sect.* 25, *Cl.* 1.

All internal duties that may be hereafter established, to belong exclusively to Government.

Conq. Provinces.

27. The Governor General in Council having, by Regulation XI. 1804, abolished all the duties coming under the denomination of sayer, rahdarry, zemindarry, or any other denomination, levied on goods or merchandize of any description, with the exception of the established duties levied by Government in bazars and gunges, which duties have been since abolished by Regulation VI. 1805, and a town duty established in lieu thereof; and it being provided, by the second article of this proclamation, that all engagements for the land revenue, entered into with Government, shall be exclusive of sayer duties, and of all other collections not connected with the land revenue; the Governor General in Council hereby declares, that, if he should hereafter think it proper to establish any internal duties, and to appoint officers, on the part of Government, to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for re-

missions of assessment on that account.—*Reg.* IX. 1805, *Sect.* 25, *Cl.* 2.

28. The Governor General in Council will impose such assessment, as he shall deem equitable, on all lands held exempt from the public revenue, which have been, or shall be, proved to be so held, under illegal or invalid titles. The assessment thus imposed will belong to Government; and no proprietor of land will be entitled to any part of it.—*Reg.* IX. 1805, *Sect.* 25, *Cl.* 3.

Jumma that may be assessed on alienated lands to belong exclusively to Government.

Conq. Provinces.

29. The jumma of those zemindars, independent talookdars, and other actual proprietors of land, with whom a settlement shall be concluded, under the terms set forth in the present proclamation, shall be considered exclusive of any allowances which may be made to them, in the adjustment of their jumma, for maintaining tannahs, or police establishments; and also of the produce of any lands which they may be permitted to appropriate for the same purpose; and the Governor General in Council reserves to himself the option of resuming the whole or any part of such allowances, or of the produce of such lands, if he should, at any time, think it to be proper to exonerate the proprietors of land from the charge of keeping the peace, and to appoint officers, on the part of Government, to superintend the police of the country. The Governor General in Council, however, declares, that the allowances, or the produce of lands, which may be thus resumed, will be appropriated to no other purpose but that of defraying the expense of the police.—*Reg.* IX. 1805, *Sect.* 25, *Cl.* 4.

Police allowances in land or money, resumable by Government, on the proprietors being exonerated from the charge of keeping the peace.

Conq. Provinces.

30. ART. XXV. That no doubt may be entertained, whether it be lawful for proprietors of land to dispose of their estates, without the previous sanction of Government, the Governor General in Council notifies to the zemindars, independent talookdars, and other actual proprietors of land, that they are at liberty to transfer, to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary rights, in the whole, or any portion, of their respective estates, without applying to Government for its sanction to the transfer; and that all such transfers will be held valid, provided that they be conformable to the Mahommedan or the Hindoo laws, (according as the religious persuasions of the parties to each transaction may render the validity of it determinable by the former or the latter code) and that they be not repugnant to any regulations now in force,

Proprietors at liberty to transfer their lands, without the sanction of Government.

Conq. Provinces.

Provided the transfer be conformable to law, and not contrary to the regulations.

or which shall be hereafter enacted by the British Government. It is, at the same time, hereby declared, that no private transfer, by sale, gift or otherwise, nor any private mortgage or other assessment upon land assessed with the public revenue, will be admitted, in any respect, to affect the indefeasible right of Government to hold all such lands answerable, in the first instance, for the public revenue assessed thereupon.—*Reg.* IX. 1805, *Sect.* 26.

Such transfer declared not to affect the right of Government to hold the lands answerable for the revenue assessed thereon.

Conq. Provinces. 31. *Reg.* IX. 1805, *Sect.* 27, containing the "rules for apportioning the fixed jumma on portions of estates, in the event of their being disposed of at public sale, or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors, upon the transfer or division being notified to the Collector or other prescribed officer,"—agrees exactly with the rules passed for the Ceded Provinces, Chap. III. Par. 53—57.

Conq. Provinces. 32. *Reg.* IX. 1805, *Sect.* 28, containing "rules for adjusting the jumma of lands held khas, or let in farm, in the event of the whole, or any parts of them being disposed of by public sale, or private transfer, or divided amongst the proprietors,"—agrees exactly with the rules passed for the Ceded Provinces, Chap. III. Par. 58—61.

Conq. Provinces. 33. *Reg.* IX. 1805, *Sect.* 29, corresponds exactly with the rules for the Ceded Provinces contained in Chap. III. Par. 62.

SECT. II.

Settlement for 1216—1219.

This settlement is the same as that made for the Ceded Provinces, and contained in Reg. X. 1807, which will be found, Chap. III. Par. 69—72 of this Guide.

SECT. III.

Settlement to the end of Fussily 1222.

Preamble.

Conq. Provinces. 34. Whereas it was provided by Section 7, Regulation IX. 1805, in regard to estates paying revenue to Government in the conquered provinces, lying on the right and left banks of the river Jumna, that three temporary settlements, comprehending altogether a period of ten years, should be made with the zemindars and other actual proprietors of land; and in regard to the territory ceded by His Highness the Peshwah in Bundlecund, that four temporary settlements should be made, comprehending also a period of ten years, and that at the end

of the said ten years expiring with the year 1222 Fussily; a permanent settlement should be concluded with the same persons, (if willing to engage, and if no other persons having a better claim should come forward,) for such lands as might be in a sufficiently improved state of cultivation to warrant the measure, on such terms as Government should deem fair and equitable; and whereas the principle of the foregoing rules was likewise adopted in its fullest extent in the district of Cuttack, in so much, that it is declared in the 6th Article of the proclamation, incorporated into Regulation XII. 1805, that at the end of the year 1222, a permanent settlement would be concluded with the zemindars and other actual proprietors of land, for such lands as might be in a sufficiently improved state of cultivation to warrant the measure on such terms as Government should deem fair and equitable; And whereas it is enacted in Sections 5 and 6, Regulation X. 1807, that at the expiration of the temporary settlement then about to take place, the jumma which might be assessed on the estates in the last year of the settlement, should remain fixed for ever, in case the arrangement should receive the confirmation of the Honourable the Court of Directions; and whereas the Honourable Court, in the exercise of the discretion expressly reserved to them by the rules above cited, have not deemed it advisable to confirm that arrangement; the following rules have been enacted to be immediately in force in the conquered provinces, lying on the right and left banks of the river Jumna; in the territory ceded by His Highness the Peshwah in Bundlecund; and in the district of Cuttack.—*Reg.* X. 1812, *Sect.* 1.

Certain parts of Sections 5 and 6, Regulation X. 1807, rescinded.

Conq. Provinces.

35. Such parts of Sections 5 and 6, Regulation X. 1807, as declare provisionally that the jumma, which may be assessed on the estates of the zemindars and other actual proprietors of lands, in the above-mentioned territories, shall remain fixed for ever, is hereby rescinded.—*Reg.* X. 1812, *Sect.* 2.

Declaration contained in Section 7, Regulation IX. and Clause sixth, Section 4, Regulation XII. 1805, respecting a permanent settlement to be concluded after a period of ten years to be in full force and effect.

Conq. Provinces.

36. It having been declared in Section 7, Regulation IX. and Clause Sixth, Section 4, Regulation XII. 1805, with reference to the settlement then depending, that at the end of ten years, that is, at the expiration of the Fussily year 1222, a permanent settlement would be concluded with the same persons, (if willing to engage, and if no others having a better claim should come forward) for such lands, as might be in a sufficiently improved state of cultivation to warrant the measure, on

such terms as Government should deem fair and equitable, the said rule is hereby declared to be in full force and effect.—*Reg.* X. 1812, *Sect.* 3.

The Board of Commissioners and Board of Revenue respectively, to ascertain what estates are in a state of cultivation to warrant the conclusion of a permanent settlement and rules for the formation of it.

Conq. Provinces.

37. Under the provision contained in the preceding Section, it will of course be the duty of the Board of Commissioners and Board of Revenue, in the places subject to their control respectively, to ascertain previously to the expiration of the year 1222, what estates may be in a state of cultivation to warrant the conclusion of a permanent settlement. In all such cases a revision shall be made of the jumma assessed on the said estates, on the principle of leaving to the proprietors a net income of ten per cent. on the jumma, exclusive of charges of collection, and a settlement shall be concluded with the proprietors, subject of course to the approval of the Governor General in Council accordingly. The jumma which may be so fixed on the estates of the zemindars and other actual proprietors of land, shall in conformity to the tenor of the proclamations originally issued, and afterwards incorporated into Regulations IX. and XII. 1805, remain fixed for ever.—*Reg.* X. 1812, *Sect.* 4.

Reports to be made to Government of such estates as may not be in a sufficiently improved state to admit the conclusion of a permanent settlement.

Conq. Provinces.

38. Under the rule contained in Section 3 of this Regulation, it will likewise be the duty of the Board of Commissioners and Board of Revenue, to submit to the Governor General in Council a report, specifying the estates which may not appear to be yet in a sufficiently improved state of cultivation to admit of the conclusion of a permanent settlement, without a sacrifice of those resources which may hereafter be derived from them for the exigencies of Government. In all cases of that nature, the Governor General in Council will determine, on consideration of the information which may be furnished by the Board of Commissioners and Board of Revenue, whether the settlement of such estates shall be made for the term of three or five years, or for any other period, according as may appear most conducive to the public interests.—*Reg.* X. 1812, *Sect.* 5.

SECT. IV.

Settlement for 1228—1232.

The existing settlement of the land revenue in Bundlecund and in the conquered Provin-

39. The existing settlement of the land revenue in the Conquered Provinces lying on the right and left banks of the river Jumna, with the exception of the Southern division of the dis-

trict of Seharunpore,) and in the territory ceded to the British Government by His Highness the Peshwah in Bundlecund, shall, in all cases, in which it may have been concluded with zemindars or other acknowledged proprietors of land, continue in force until the expiration of the year 1232 Fussily, subject to the following provisions.—*Reg.* IX. 1818, *Sect.* 2, *Cl.* 1.

ces, with the exception of the southern division of Seharunpore, to continue in force until the end of the year 1232 Fussily.

Conq. Provinces.

40. If any proprietors of estates, within the said Provinces and Territory, (with the exception of the tract of country aforesaid,) who may have entered into engagements for the payment of the public revenue, during the existing settlement, shall not be willing to continue to hold their lands on the terms specified in the preceding Section of this Regulation, for a further period of five years, viz. to the expiration of the year 1232, Fussily, they shall notify the same to the Collector of the zillah, within which their lands may be situated, on or before the 1st July 1819.—*Reg.* IX. 1818, *Sect.* 2, *Cl.* 2.

Proprietors who may not be willing to continue to hold their lands for the further period above specified to notify the same to the Collector before the 1st July 1819.

Conq. Provinces.

41. All such zemindars, who shall not make a notification to the effect, and within the period above-mentioned, shall be held, and are hereby declared to be responsible, for the payment of the same revenue during the five years, subsequent to the settlement now in formation, viz. until the expiration of the year 1232, Fussily, as may be specified in their engagements for the year 1227, Fussily.—*Reg.* IX. 1818, *Sect.* 2, *Cl.* 3.

If they shall not make such notification to be held responsible until the end of the year 1232 for the same revenue as is specified in their engagements for the year 1227.

Conq. Provinces.

42. With respect to estates which are at present let to farm, and of which the leases will expire with the Fussily year 1227, the settlement of such muhals shall be made with the actual proprietors, in all cases in which they may be willing to engage, during the years 1228, 1229, 1230, 1231 and 1232, for the payment of an annual jumma, equal to the amount payable by the farmers respectively on account of the year 1227, and shall make the necessary application to the Collector of the district in which the lands may be situated, or to the Board of Commissioners, on or before the 1st January 1820.—*Reg.* IX. 1818, *Sect.* 3.

Rules for the settlement of muhals let in farm.

Conq. Provinces.

43. In cases in which the proprietors of estates may decline to engage for the payment of the revenue demandable from their lands, during the years 1228, 1229, 1230, 1231 and 1232, or in which no acknowledged proprietors may be forthcoming, it will be the duty of the revenue authorities to take timely measures for ascertaining the assets of the estates preparatory to the arrangements to be made for the above period,

Rules to be observed when proprietors may decline to engage.

Conq. Provinces.

and it shall be competent in such cases to the said authorities either to let the lands in farm for that period, or to assume the direct management of them.—*Reg.* IX. 1818, *Sect.* 4.

Specification of the pergunnahs in the southern division of Seharunpore excluded from the operation of the foregoing provisions.

Conq. Provinces.

44. The under-mentioned pergunnahs, forming the Southern division of the district of Seharunpore, are excluded from the operation of the rules contained in the preceding Sections of this Regulation; and on the expiration of the present settlement of the said pergunnahs, a new settlement shall be made for a term of five years: Provided however, that in any cases in which the proprietors of estates shall be desirous previously to the expiration of the present settlement of entering into engagements at an adequate jumma, for the years 1228, 1229, 1230, 1231 and 1232, F. S. and the revenue authorities, shall possess in regard to such muhals, the information necessary to an assessment on proper principles; it shall be competent to the Board of Commissioners at any time after the promulgation of this Regulation, to direct a settlement to be concluded with such proprietors for the period aforesaid, viz. for the years 1228, 1229, 1230, 1231, and 1232, F. S. subject to the confirmation of Government.

Pergunnahs referred to in the above Section.

Ajrara,	Loney,
Baughput,	Meerut,
Bhojepore,	Nelohah,
Bhooma,	Phookanah,
Bugra,	Shekarpore,
Chuprowlee,	Shamlee,
Dadree,	Shuckurpore,
Dasnah,	Sorohee,
Gungaroo,	Sumbulheree,
Gurhmooktasur,	Surrawah,
Hawpore,	Tandah,
Jowley,	Tarrapore,
Julalabad,	Tekuree,
Kandlah,	Teturwarra,
Keranah,	Pooth,
Khatowlee,	Seeana,
Lalookheree,	Thana Fureeda.

—*Reg.* IX. 1818, *Sect.* 5.

SECT. V.

Settlement for 1232—1237.

45. The existing settlement in the conquered provinces and in Bundlecund (with the exceptions, and subject to the provisions hereinafter stated) shall be extended to a further period of five years, viz. for the years 1232 to 1237, Fussily inclusive, in cases in which it may have been concluded with zemindars, lumberdars, or other persons recorded as the proprietors or possessors of a permanent interest in the muhal for which they may have engaged, or as the representatives of such persons.—*Reg.* IX. 1824, *Sect.* 2, *Cl.* 1.

The existing settlement in the conquered provinces and in Bundlecund extended in certain cases for a further period of five years.

Conq. Provinces.

46. If any zemindars and other persons aforesaid shall be unwilling to continue their engagements for a further period of five years on the terms specified in this regulation, they shall notify the same to the Collector or other officer exercising the powers of the Collector, to whom they may be subject, on or before the 15th October next. And all zemindars and other persons aforesaid who shall not make a notification to the effect and within the period above-mentioned, shall be held and are hereby declared to be responsible for the payment of the same revenue for each of the 5 years subsequent to the settlement now in force, viz. for the years 1233 to 1237 inclusive, as may be specified in their engagements for the year 1232, Fussily. And in such cases no alteration shall be made in the jumma demandable by Government on account of the muhals held by such persons (excepting as hereinafter excepted) until the expiration of the said period of five years.—*Reg.* IX. 1824, *Sect.* 2, *Cl.* 2.

Zemindars declining to continue their engagements for such period to notify the same to the revenue authorities on or before the 15th of October next.

Conq. Provinces.

Or failing to do so declared responsible for the payment of the present jumma during the ensuing five years.

The jumma in such cases to remain unaltered.

47. It shall be competent to Collectors and other officers exercising the powers of Collectors, subject to the orders of the Board of Revenue, to which they may be subordinate, to exclude from the operation of the above rule, any muhal or muhals, of which a revised settlement may have been made or be about to be made under the rules of Regulation VII. 1822, or in regard to which there may, in the judgment of these authorities, exist any special reasons for affecting an early re-settlement of the same; and in the case of muhals of the last description, it shall be competent to the Collectors or other officers aforesaid, to make an immediate re-settlement of the same on the expiration of the existing leases, or to grant to the persons un-

Collectors empowered to exclude certain muhals from the operation of the above rule should any special reasons exist.

Conq. Provinces.

And declared competent to form a re-settlement of such muhals or renew the leases of

them for a further period.

Proviso as to notice to be given of such determination by Collectors.

der engagements renewed leases for such further term (not exceeding five years) as the Board may direct. Provided however, that it may be determined to adopt special measures as above, in regard to any muhal or muhals, the Collector or other officer aforesaid shall give notice of such determination in writing to the person under engagements for the same on or before the 1st March 1825. A perwannah delivered to or left at the usual residence of the malgoozar, or a notification stuck up, under orders of the Collector in any conspicuous place within the muhal, shall be held to be sufficient notice for the above purpose.—*Reg.* IX. 1824, *Sect.* 2, *Cl.* 3.

The above rules not to affect engagements already entered into.

Conq. Provinces.

48. The above rules shall not be held to affect the terms of any engagements, which may have been specifically entered into on account of any year or years subsequent to the general settlement now in force.—*Reg.* IX. 1824, *Sect.* 2, *Cl.* 4.

Zemindars, &c. whose engagements may be continued allowed after the expiration of such leases to hold their lands at the same annual jumma until the formation of a revised settlement.

Conq. Provinces.

49. Zemindars and other persons as aforesaid whose engagements shall be continued for a further period of five years as above provided, as well as all other persons who may hereafter enter into engagements as proprietors, or as the representatives of proprietors, shall, after the expiration of the leases so extended or granted, hold the muhals for which they may have engaged or may hereafter engage, and shall continue to be subject to the payment of the same annual jumma as may be chargeable on account of the last year of their lease, until the Collector or other officer exercising the powers of Collector, shall effect a detailed revision of the settlement in the mode prescribed by Regulation VII. 1822, or shall be otherwise specially authorized by Government to make a fresh assessment. Provided also that no zemindar or other malgoozar as aforesaid shall be liable to pay on account of any year a higher jumma than that payable under the above rule, unless he shall have been apprized of the Board's approval of the new assessment on or before the month of Jeth preceding: Nor shall any such zemindar, or other malgoozar be ousted from the management of any muhal for which he may be under engagements, without such notice, except by due course of law, on a decision in favour of the title of another party claiming the property of the same.—*Reg.* IX. 1824, *Sect.* 2, *Cl.* 5.

Proviso against the payment of a higher jumma by zemindars unless timely apprized.

Such persons declared not liable to be ousted from the management of their lands without notice given except by due course of law.

Estates at present let in farm to be re-settled on the expiration of the existing leases, and zemindars possessing a permanent

50. With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases, for such a period as the Governor General in Council may direct: A preference shall be given to the zemin-

dars or other persons possessing a permanent property in the muhals, if willing to engage for the payment of the public revenue on reasonable terms. Provided also, that in cases wherein such muhals may be let in farm, the term of the lease granted to the farmers shall not, excepting as hereinafter excepted, exceed twelve years. The above rules shall likewise be applicable to estates now held khas; so in any case wherein the zemindars and other proprietors may refuse to continue their existing engagements on equitable terms, it shall be competent to the Revenue authorities to let the lands in farm for such period (with the restriction herein specified) as the Governor General in Council shall appoint, or to assume the direct management of them, and to retain them under khas management during the period aforesaid, or such shorter period as may be judged proper. Provided also, that in cases wherein it shall appear that the zemindars have wilfully reduced the cultivation of their lands, or otherwise deteriorated the muhal under their engagements in their occupancy, it shall be competent to the Revenue authorities to exclude persons so offending, and to let the lands in farm for a period of fifteen years: Leases for a like period may also be granted to zemindars and farmers in cases where from special local circumstances, the measure may appear necessary with a view to the reclaiming of waste, the construction of works requisite for the extension of cultivation or otherwise for the improvement of the country.—*Reg.* IX. 1824, *Sect.* 3.

property in the muhals to have a preference.

Conq. Provinces.

Proviso limiting such leases to twelve years.

The above rules declared applicable to estates held khas.

Rule of proceeding in cases where zemindars, &c. may refuse to maintain their engagements.

Proviso for the exclusion of persons who may have wilfully deteriorated their lands, &c.

In such cases and in others where special circumstances require it, leases may be granted for fifteen years.

51. The rules contained in the Third and following Sections of Regulation VII. 1822, with the modifications above provided for, and the necessary alteration of dates and periods, are, and shall be held to be equally applicable to the Conquered Provinces and to Bundlecund as to the Ceded Provinces; Provided also, that such part of Clause Third, Section 9 of that Regulation, as prescribes that engagements aken in the manner specified in that clause, shall be restricted to the term of five years, shall not be held applicable to leases granted to farmers in the cases specified in the foregoing Section, and that it shall be competent to the Board of Revenue with the sanction of Government, to grant leases, either to proprietors or farmers for any period not exceeding fifteen years, whenever special circumstances shall, in their judgment, render it expedient to do so, as well in the Ceded as in the Conquered Provinces.—*Reg.* IX. 1824, *Sect.* 4.

Rules contained in the Third and following Sections of Regulations VI. 1822, with the foregoing modifications declared equally applicable to the conquered Provinces and to Bundlecund.

Conq. Provinces.

Proviso limiting in certain cases the application of part of Clause 3rd. Section 9, of that Regulation.

CHAPTER V.

SETTLEMENT OF THE LAND REVENUE.

Cuttack.

SECT. I.

Original Proclamation.

Cuttack.

1. Whereas it is necessary, that fixed rules should be established for the settlement and collection of the public revenue in the zillah of Cuttack: And whereas the principles of justice and good faith require, that the declarations made by the late Board of Commissioners, to the several descriptions of zemindars, talookdars, farmers, and other holders of land, should be formally recognized and confirmed: And whereas it has been judged to be advisable to extend the regulations in force for the settlement and collection of the public revenue in the province of Bengal, with certain modifications and exceptions, to the zillah of Cuttack; the following rules have been enacted, and are to be in force from the period of the promulgation of this regulation.—*Reg.* XII. 1805, *Sect.* 1.

Arrangements adopted by the Commissioners for the settlement of the revenues for the years 1210 and 1211 Willaity, recapitulated and confirmed.

Cuttack.

2. On taking possession of the country the Commissioners deemed it to be necessary to adopt the surest means of preserving uninjured the rights of the different landholders in the territory called Mogulbundy, being that part of the zillah of Cuttack, in which, according to established usage, as in Bengal, the land itself is responsible for the payment of the public revenue; and in which every landholder holds his lands subject to the conditions of that usage. With this view, the Commissioners issued a publication, signifying, that all those persons who were in possession of the lands at the close of the Umlee year 1210, (corresponding with the Willaity year 1210,) should continue in possession during the year 1211. The

Commissioners also declared all demands for balances of former years to be cancelled, and they ordered the amount of the revenue payable by the respective zemindars on account of the year 1211 Umlee, (corresponding with the Willaity year 1211,) to be ascertained and established according to the rate of the receipts of former years; granting a deduction of the amount of some oppressive abwaubs and other exactions, and allowing for losses sustained by the ryots from the failure of the first crop of that season, and also for such part of the revenue of the current year as had been previously collected by the Mahratta Government.—*Reg.* XII. 1805, *Sect.* 2.

3. The arrangements adopted by the Commissioners with respect to the settlement of the revenue for the years 1210 and 1211 Umlee, (corresponding with the years 1210 and 1211 Willaity) together with the abatements from the jumma and the remissions of revenue granted by the Commissioners in those years are hereby confirmed.—*Reg.* XII. 1805, *Sect.* 3. *Cuttack.*

4. The following proclamation relative to the settlement of the land revenue in the Mogulbundy territory of the zillah of Cuttack, was published on the 15th September 1804, by the Board of Commissioners, in virtue of the powers vested in them.

Proclamation relative to the land revenue in the Mogulbundy territory, issued by the Commissioners on the 15th September 1804. *Cuttack.*

"PROCLAMATION.

"CUTTACK, SEPT. 15, 1804.

5. "*First.* Whereas it is the intention of the British Government to adopt at the expiration of the present Umlee year, such a plan for the settlement of the landed revenue of the province of Cuttack, as may be most conducive to the prosperity of the country, and to the happiness of the inhabitants: And whereas it is of the utmost consequence to the success of the measure, as well as to the interest of the zemindars, talookdars, and all others concerned, that the nature and terms thereof should be made known as early as possible; notice is hereby given, *Cuttack.*

6. "*Second.* That at the commencement of the Umlee year 1212, the sayer of every denomination will be separated from the maul or land revenue, and a settlement for the latter only concluded in all practicable cases with the zemindars, or other actual proprietors of the soil (unless when disqualified by notoriously bad character, or other good and sufficient cause,) for a period of one year, it being understood that all zemindars

and other landholders, and all candytes, shall for the present, and during the pleasure of Government, continue to perform the same duties of police for the prevention of robberies, murders, and crimes of that nature, and for the preservation of peace and good order within their respective limits, and to be subject to the same responsibility as heretofore.

7. " *Third.* That at the expiration of the year 1212, another settlement will be made with the same persons (if willing to engage, and they shall have conducted themselves to the satisfaction of Government) for three years, at a fixed, equal, annual jumma, which jumma shall be formed upon a just and moderate consideration of the receipts in the year 1212 and former years.

8. " *Fourth.* That at the expiration of the fourth year, a new settlement will be made with the same persons (if willing to engage, and they shall have conducted themselves to the satisfaction of Government) for a further period of four years, at a fixed, equal, annual jumma, formed by adding to the annual rent of the preceding lease of three years, two-thirds of the neat increase of revenue during any one year of that period.

9. " *Fifth.* That at the end of lease for four years (which will be in the Umlee year 1219,) a further settlement for the period of three years will be concluded with the persons in possession (if willing to engage, and they shall have conducted themselves to the satisfaction of Government) at a jumma to be formed by adding to the annual rent of the preceding lease of four years, three-fourths of the neat increase of revenue during any one year of that period.

10. " *Sixth.* That at the end of these eleven years, which will be in 1222, a permanent settlement will be concluded with the same persons (if willing to engage, and they have conducted themselves to the satisfaction of Government, and if no others who have a better claim shall come forward) for such lands as may be in a sufficiently improved state of cultivation to warrant the measure on such terms as Government shall deem fair and equitable.

11. " *Seventh.* The nankar lands of those zemindars, who may decline entering into engagements for their estates, as also of those whose offers may be rejected by Government, will be subject to the payment of revenue equally with other lands in the district, but such zemindars shall for the present continue

to receive in money an equivalent for what they have hitherto received as nankar from the Mahratta Government.

12. "*Eighth.* That with respect to such zemindarries as may have been mortgaged or transferred in security, and possession thereof actually given to the mortgagees of securities, the settlement will be made with the person in possession of the land, as the temporary representative of the proprietor, leaving the latter to obtain possession, either by a private settlement of accounts, or by a judicial process.

13. "*Ninth.* That the settlement of such small talooks or zemindarries, as may be only nominally included in large zemindarries, in the sudder jumma of which their jumma may be comprehended, will be made separately and distinctly, with the proprietors of such small estates, and they will be allowed to pay their revenue directly, to the Collector, or the person appointed by him to receive it, and in all cases where the revenue of a village has for upwards of five years past, been paid direct to Government by the hereditary mokuddum, the settlement for such village will be made with the hereditary mokuddum.

14. "*Tenth.* That with respect to such lands as are without proprietors, or the proprietors of which decline entering into engagements, a village settlement shall be made, and a preference given to the hereditary mokuddums of those villages to which the lands belong, but no settlement is to be made with a mokuddum for lands not included in his mokuddamy.

15. "*Eleventh.* That in the event of neither proprietors, mokuddums, nor other respectable ryots, being forthcoming, such lands as are in that predicament, will be held khas.

16. "*Twelfth.* That all authorized abwaubs are to be consolidated and incorporated, with the land rent, and expressed in the pottahs and cabooleats, and that nothing but what is there expressed shall be collected from the ryots or under-renters.

17. "*Thirteenth.* That all persons who may enter into engagements for the settlement, must bind themselves by written obligations to grant pottahs of the above description to their ryots and under-renters.

18. "*Fourteenth.* That all persons who may enter into engagements with Government, must previously give security for the fulfilment thereof in an amount equal to the largest kist of their annual jumma.

19. "*Fifteenth.* Several of the tributary rajahs have been accustomed to furnish guards and be responsible for all robberies committed within the Mogulbundy lands, bordering on their respective territories, and for which they have formerly been allowed to levy a tax called chowpunny, or mongum khandity; those rajahs are to continue to furnish the usual guards and be subject to the same responsibility as heretofore, but instead of being permitted to levy the above-mentioned tax, the said rajahs will, until further arrangements can be made, receive an equivalent in money from Government.

20. "*Sixteenth.* Such being the provisions made for the preservation of the rights of the zemindars, ryots, &c. &c. and for the effectual prevention of undue exaction, there cannot be a doubt that confidence in the protection of Government will be established amongst all ranks of people, that cultivation will be extended, and that the general prosperity of this province will rapidly increase."—*Reg.* XII. 1805, *Sect.* 4.

Rules, orders and declarations contained in the above proclamation confirmed with certain qualifications. *Cuttack.*

Explanation of the rule to be adopted in adding to the jumma a portion of the increased produce in concluding the future settlements.

21. The rules, orders, and declarations contained in the above proclamation, are hereby confirmed with the following qualifications and explanations. With the view of obviating any misconstruction of the rule to be adopted, in adding to the jumma a portion of the increased produce, in concluding the settlements to be formed at the commencement of the Willaity years 1216 and 1220, (corresponding with the years 1216 and 1220 Umlee,) it is hereby declared in explanation of the third and fourth clauses of the proclamation issued on the 15th of September 1804, that the amount of the nankar, to which zemindars are or may be entitled under their original engagements for the first triennial settlement shall be deducted from the actual yearly produce of their estates at the time of the expiration of each lease, and that the actual increase of public revenue to be assessed agreeably to the clauses above specified, shall be calculated on the amount of the difference between the actual neat produce, after such deduction, and the annual amount of the former lease. It is at the same time provided, that the portion of the increased produce, relinquished to the zemindars under the above-mentioned clauses, on the formation of the successive settlements, shall be considered to preclude all claim, on the part of the zemindars, to any further proportion of such increased produce, on account of nankar,

in addition to the deduction originally made and continued to them on this account.—*Reg.* XII. 1805, *Sect.* 5.

Zemindars and other actual proprietors, whose lands have been held khas, shall be restored to the management of their lands on their agreeing to pay the assessment required in conformity to the rules for the settlement of the land revenue.

Cuttack.

22. The lands of some zemindars, independent talookdars, and other actual proprietors of lands, having been held khas, or let in farm in consequence of their refusing to pay the assessment required from them under the proclamation inserted in Section 3 of this Regulation, the Governor General in Council hereby notifies to the zemindars, independent talookdars, and other actual proprietors of land, whose lands are held khas, that they shall be restored to the management of their lands upon their agreeing to the payment of the assessment which shall be required from them, in conformity to the prescribed rules for the settlement of the land revenue.—*Reg.* XII. 1805, *Sect.* 6.

All engagements for the payment of revenue to be made in Calcutta Sicca rupees.

Cuttack.

Rules for the receipt of rupees of sorts until the expiration of the year 1215 Willaity, after which no money but Calcutta sicca rupees, or goldmohurs of the nineteenth sun and their parts shall be received in payment of the public revenue.

23. All engagements for the payment of the public revenue by the zemindars, talookdars, farmers, and other holders of land, shall be made in Calcutta sicca rupees of the nineteenth sun; but as the zemindars, talookdars, farmers, and other holders of land, may not immediately have the means of paying their revenue in that species of rupees, the various rupees of sorts will be received at the treasuries in payment of the public revenue until the expiration of the Willaity year 1215, according to the table of rates contained in Section 14, Regulation XXXV. 1793; and cowries will be received at the rate of four cawons per sicca rupee, until the expiration of that period of time. Should any other species of rupees exclusive of those specified in Section 14, Regulation XXXV. 1793, be current in the zillah of Cuttack, the Collector shall forward specimens of them, as soon as may be practicable, to the Secretary to Government in the Revenue Department, for the purpose of being forwarded to the assay master to be assayed; and the persons from whom such rupees may have been received, shall receive credit for the same at their intrinsic value, as ascertained by actual assay, after deducting twelve annas per cent. for the expense of refining, should the rupees be under sicca standard. A supplementary table of rates of the value of each description of such rupees (prepared on the principle of the table of rates contained in Section 14, Regulation XXXV. 1793,) shall be fixed up at the cutcherry of the Collector, and at the court house of the Judge and Magistrate. After the expiration of the Willaity year 1215, no money will be received

in payment of the public revenue, excepting Calcutta sicca rupees, or goldmohurs of the nineteenth sun, or the halves and quarters of those coins.—*Reg.* XII. 1805, *Sect.* 13.

Sunnuds granted by the Commissioners to certain zemindars to hold their estates at a fixed jumma in perpetuity confirmed.

Cuttack.

24. The Commissioners having granted sunnuds to certain zemindars, entitling them to hold their estates at a fixed jumma in perpetuity, those sunnuds are hereby confirmed. The following is a list of the names of the zemindars to whom this provision is to be considered applicable:

List of such zemindars.

Zemindar of Killah Durpum,
Ditto of Ditto Sookindah,
Ditto of Ditto Muddoopore.

—*Reg.* XII. 1805, *Sect.* 33.

Sunnud granted by the Commissioners to Futtah Mahomed, jaghiredar of Malood to hold his lands rent free in perpetuity, confirmed.

Cuttack.

25. The Commissioners having likewise granted a sunnud to Futtah Mahomed, jaghiredar of Malood, entitling him and his heirs for ever, in consideration of certain services performed towards the British Government, to hold his lands exempt from assessment, such sunnud is hereby confirmed.—*Reg.* XII. 1805, *Sect.* 34.

Settlements concluded by the Commissioners, with certain hill and jungle zemindars for payment of a fixed annual quit rent in perpetuity, confirmed.

Cuttack.

26. The late Board of Commissioners having concluded a settlement of the land revenue with certain zemindars, whose estates are situated chiefly in the hills and jungles, for the payment of a fixed, annual quit-rent in perpetuity, those engagements are hereby confirmed, and no alteration shall at any time be made in the amount of the revenue payable under the engagements in question to Government.—*Reg.* XII. 1805, *Sect.* 35, *Cl.* 1.

List of the muhals to which the foregoing clause applies.

Cuttack.

27. The following is a list of the muhals to which the provision in the preceding clause is applicable:

Killah Aull, Killah Humishpore,
Ditto Cojang, Ditto Miritchpore,
Ditto Puttra, Ditto Bishenpore.

—*Reg.* XII. 1805, *Sect.* 35, *Cl.* 2.

A settlement shall be concluded on the principle stated in the two foregoing clauses with the zemindars of Cordah and Kunka.

Cuttack.

28. The zemindarries of Cordah and Kunka, being muhals of the description of those specified in the clause, a settlement shall be concluded, as soon as circumstances may admit, for the revenue of those muhals on the principle on which a settlement has been concluded with the zemindars of the muhals specified in the preceding clause.—*Reg.* XII. 1805, *Sect.* 35, *Cl.* 3.

All regulations relating to the settlement or collec-

29. All regulations relating directly or indirectly to the settlement and collection of the public revenue, or to the conduct

of the officers employed in the performance of that duty, whether European or Native, in the province of Bengal, which are not superseded by the foregoing rules, are hereby extended to, and declared to be in force in the zillah of Cuttack; provided however, that nothing herein contained shall be construed to authorize the division of the lands comprized in any estates in the Zillah of Cuttack in which the succession to the entire estate devolves according to established usage to a single heir. In cases of this nature, the Courts of Justice are to be guided by the provisions contained in Regulation X. 1800, provided also, that nothing herein contained shall be construed to imply that any part of the said regulations are for the present to be considered to be in force in certain jungle or hill zemindarries, occupied by a rude and uncivilized race of people, with the proprietors of which estates, engagements where formed by the late Board of Commissioners, for the payment of a certain fixed quit-rent or tribute to Government. The following is a list of the mahals to which this exemption from the operation of the general Regulations is to be considered applicable:

tion of the revenue, or the officers employed therein, now in force in Bengal, and not superseded by the foregoing rules, declared to be in force in Cuttack.

Cuttack.

Exception as to the division of estates.

Exception as to the jungle or hill zemindarries to which those regulations are not for the present extended.

List of such zemindarries.

Killah Neelghery,	Killah Kindeapara,
Ditto Bankey,	Ditto Neabgurh,
Ditto Joormoo,	Ditto Rampore,
Ditto Nersingpore,	Ditto Hindole,
Ditto Augole,	Ditto Teegercah,
Ditto Toalcherry,	Ditto Burrumboh,
Ditto Attghurh,	Ditto Deckenaul.
Ditto Kunjur,	

—*Reg.* XII. 1805, *Sect.* 36.

30. The foregoing exemption from the operation of the general regulations shall likewise for the present be considered to be applicable to the lands known by the appellation of the territory of Mohurbunge; but it shall be the duty of the Collector of the zillah to conclude a settlement with the proprietor of that estate for the payment of a fixed, annual quit-rent on the principles on which a settlement has been concluded with the other hill or jungle zemindars specified in the preceding Section.—*Reg.* XII. 1805, *Sect.* 37.

Similar exception from the operation of the general regulations considered applicable to the territory of Mohurbunge.

Cuttack.

SECT. II.

Settlement for 1216—1219.

31. The provision contained in Section 29, Regulation XXV.

Notification that

the assessed jumma of the last year of the settlement in the ceded and conquered provinces, immediately ensuing the present one shall remain fixed for ever on certain conditions.

Cuttack.

1803, prescribes, that at the expiration of the existing settlement, in the provinces ceded by the Nawaub Vizier, a new settlement shall be made for the period of four years. In like manner, the rules contained in Sections 4, 5, and 6, Regulation IX. 1805, require, that at the expiration of the existing settlement in the conquered provinces, and in the zillah of Bundlecund, two more temporary settlements shall be made in the said conquered provinces, and in the zillah of Bundlecund respectively. The Governor General in Council, however, hereby notifies to the zemindars, and other actual proprietors of land in the ceded and conquered provinces, that the jumma which may be assessed on their estates, in the last year of the settlement, immediately ensuing the present settlement, shall remain fixed for ever; in case the zemindars shall now be willing to engage for the payment of the public revenue on those terms in perpetuity, and the arrangement shall receive the sanction of the Honourable the Court of Directors.—*Reg.* X. 1807, *Sect.* 5.

The same principle to be in force in Cuttack, under the orders of the Board of Revenue.

Cuttack.

32. The principle of the foregoing rule shall also be in force in the zillah of Cuttack, and shall be accordingly carried into effect in that zillah, under the orders and superintendence of the Board of Revenue.—*Reg.* X. 1807, *Sect.* 6.

Parts of Sections 5 and 6, Regulation X. 1807, rescinded.

Cuttack.

33. Such parts of Sections 5 and 6, Regulation X. 1807, and of the rules therein referred to, as direct that a settlement shall be made on the commencement of the ensuing Fussily year in the zillah of Cuttack for the period of four years, and that the jumma, which may be assessed on the lands in the last year of that settlement shall remain fixed in perpetuity, provided that the arrangements shall receive the approbation of the Honourable Court of Directors, are hereby rescinded.—*Reg.* VI. 1808, *Sect.* 2.

A settlement for one year to be made in Cuttack and in pergunnah Puttaspore.

Cuttack.

34. A settlement shall be made in the zillah of Cuttack and in the pergunnah of Puttaspore, &c. for the period of one year, viz. the Umlee year 1216.—*Reg.* VI. 1808, *Sect.* 3.

After the expiration of one year, a settlement to be made for three years and the assessment of the year 1219 to remain provisionally fixed for ever.

Cuttack.

35. On the expiration of the Umlee year 1216, a settlement shall be made in the said zillah and places on the principle prescribed in Sections 5 and 6, Regulation X. 1807, for the period of three years, and the assessment which may be fixed on the lands in the year 1219, shall remain fixed for ever, in case the zemindars shall now be willing to engage for the payment of the public revenue on those terms in perpetuity, and

the arrangement shall receive the sanction of the Honourable Court of Directors.—*Reg.* VI. 1808, *Sect.* 4.

SECT. III.

Settlement for 1220—1222.

36. A settlement shall be made in the zillah of Cuttack, and in the pergunnah of Puttaspore, and its dependencies, for the period of one year, viz. the year 1220 Umlee.—*Reg.* I. 1813, *Sect.* 2, *Cl.* 1.

A settlement for one year, to be made in Cuttack, and in the pergunnah of Puttaspore and its dependencies, viz. for 1220 Umlee.
Cuttack.

37. On the expiration of the Umlee year 1220, a settlement shall be made in the said zillah and places for the period of two years, viz. 1221 and 1222.—*Reg.* I. 1813, *Sect.* 2, *Cl.* 2.

On the expiration of which, a settlement for two years, to be made in the said zillah and places, viz. for 1221 and 1222.
Cuttack.

38. On the expiration of the year 1222, the Board of Revenue will of course conform to the provision contained in Section 5, Regulation X. 1812, respecting the future settlement of the said district and places.—*Reg.* I. 1813, *Sect.* 2, *Cl.* 3.

And on the expiration of the year 1222, the Board of Revenue to conform to the provision contained in Section 5, Regulation X. 1812, for the future settlement.
Cuttack.

SECT. IV.

Settlement for 1223.

39. The existing settlement of the land revenue of the district of Cuttack, the pergunnah of Puttaspore and its dependencies, shall continue in force until the expiration of the year 1223 Umlee, subject to the following provisions.—*Reg.* III. 1815, *Sect.* 2.

The existing settlement of Cuttack, the pergunnah of Puttaspore, and its dependencies, to continue in force until the expiration of the year 1223 Umlee.
Cuttack.

40. If any zemindar or farmer who has entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue those engagements to the expiration of the ensuing year 1223 Umlee, he shall notify the same to the Collector of Cuttack, or to the Collector of Hidgelee, according as his lands may be situated within the respective local jurisdiction of those officers, on or before the 1st August next, corresponding with the 18th Sawun 1222 Bengal era; the 11th Sawun 1222 Fussily, the 19th Sawun 1222 Willaity, the 11th Sawun 1872 Sumbut; and the 24th Shaban 1230 Hligeree.—*Reg.* III. 1815, *Sect.* 3.

The zemindars and farmers who may not be willing to continue their engagements to the expiration of the ensuing year 1223 Umlee, to notify the same to the Collector on or before the 1st August next.
Cuttack.

41. All zemindars and farmers, who shall not make a notification to the effect and within the period above-mentioned, shall be held, and are hereby declared to be responsible for the pay-

The zemindars and farmers who may not make a notification to the above effect, are

declared responsible for the payment of the existing revenue during the year 1223 Umlee.

Cuttack.

ment of the same revenue during the year 1223 Umlee as may be specified in their engagements for the present year 1222 Umlee.—*Reg.* III. 1815, *Sect.* 4.

The Collectors of Cuttack and Hidgelee how to proceed in the management of the lands which may be relinquished under the option given by Section 3, of this regulation.

Cuttack.

42. The Collectors of Cuttack and Hidgelee shall make such arrangements for the management during the year 1223 Umlee, of any lands which may be relinquished by the zemindars or farmers, under the option vested in them by Section 3, of this Regulation, as may appear to be most advisable under the instructions of the Board of Revenue, and with the sanction of Government.—*Reg.* III. 1815, *Sect.* 5.

The zemindars not to be deprived of the benefit of the pledge conveyed in Section 4, Regulation XII. 1805, and confirmed by Section 3, Reg. X. 1812.

Cuttack.

43. Nothing contained in this regulation, shall be construed to deprive the zemindars of the benefit of the pledge conveyed in Section 4, Regulation XII. 1805, and confirmed by Section 3, Regulation X. 1812, purporting that at the expiration of the Umlee year 1222, a perpetual settlement will be concluded for such estates as may be in a sufficiently advanced state of cultivation, to warrant the adoption of that measure without an undue sacrifice of the public resources; and it will consequently be the duty of the Board of Revenue to report as soon as circumstances may admit, what estates may be in a state of cultivation to warrant the conclusion of a permanent settlement, either with or without an increase on the assessment of 1222 Umlee, as the condition and produce of the several estates may suggest.—*Reg.* III. 1815, *Sect.* 6.

Duty of the Board of Revenue.

SECT. V.

Settlement for 1224—1226.

The existing settlement of Cuttack and of the pergunnah of Puttaspore and its dependencies, to continue in force until the expiration of the year 1226 Umlee.

Cuttack.

44. The existing settlement of the land revenue of the district of Cuttack and of the pergunnah Puttaspore and its dependencies shall, in all cases in which it may have been concluded with zemindars or other acknowledged proprietors of land, continue in force until the expiration of the year 1226 Umlee, subject to the following provisions.—*Reg.* VI. 1816, *Sect.* 2.

Zemindars who may not be willing to continue their engagements to the expiration of the year 1226 Umlee, to notify the same on or before the 1st July 1816.

Cuttack.

45. If any zemindars who have entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue those engagements to the expiration of the ensuing year 1226 Umlee, they shall notify the same to the Collector of Cuttack, or to the Collector of Hidgelee, according as the lands may be subject to the autho-

rity of either of those officers on or before the 1st July next, corresponding with the 19th Assaur 1223 Bengal era; the 21st Assaur 1223 Fussily: the 20th Assaur 1223 Willaity; the 6th Assaur 1873 Sumbut; and the 4th Sabaun 1231 Higeree. —*Reg.* VI. 1816, *Sect.* 3.

All zemindars who may not make a notification to the effect and within the period above-mentioned, declared to be responsible for the payment of the same revenue as may be specified in their engagements for the year 1222 Umlee.

Cuttack.

46. All zemindars who shall not make a notification to the effect and within the period above-mentioned, shall be held, and are hereby declared to be responsible for the payment of the same revenue during the ensuing three years, viz. until the expiration of the year 1226 Umlee, as may be specified in their engagements for the year 1222 Umlee, and is demandable from them on account of the present year 1223 Umlee, under the provisions of Regulation III. 1815.—*Reg.* VI. 1816, *Sect.* 4.

The settlement of lands let to farm or held khas, how to be adjusted.

Cuttack.

47. With respect to the lands which were let to farm in the year 1222 Umlee, and which were by special indulgence continued in the occupancy of the farmers during the year 1223 Umlee, under the provisions of Regulation III. 1815, as well as lands now held khas, the settlement of all such lands shall be formed for the ensuing three years with the zemindars or other actual proprietors of land, supposing such persons to be willing to engage for the payment of the public revenue on such terms as may appear reasonable, according to the most accurate information obtained regarding the produce of their lands.—*Reg.* VI. 1816, *Sect.* 5.

The Collectors how to proceed in cases in which the zemindars may decline to engage for the payment of the revenue demandable from them, on account of such lands, or in which no acknowledged proprietors of the lands may be forthcoming.

Cuttack.

48. In cases in which the zemindars may decline to engage for the payment of the revenue demandable from their lands during the ensuing three years, or in which no acknowledged proprietors of lands may be forthcoming, it will of course be the duty of the Collector to consider whether the lands should be let to farm, or whether the rents should be collected directly from the great body of the ryots; or in other words, whether the lands shall be khas; or whether (which will probably be found to be the most convenient and beneficial method) a settlement should be formed for the above period of three years for the several villages with the head ryot, however denominated, of each village respectively.—*Reg.* IV. 1816, *Sect.* 6.

SECT. VI.

Settlement for 1227—1229.

The settlement

49. The existing settlement of the land revenue of the dis-

of Cuttack and of the pergunnah of Puttaspore and its dependencies, to continue in force until the expiration of the year 1229 Umlee.

Cuttack.

trict of Cuttack, and of the pergunnah Puttaspore, and its dependencies; shall, in all cases in which it may have been concluded with zemindars, or other acknowledged proprietors of land, continue in force until the expiration of the year 1229 Umlee, subject to the following provisions.—*Reg.* XIII. 1818, *Sect.* 2.

Zemindars who may be unwilling to continue their engagements to the year 1229 Umlee, to notify the same to the Collector on or before the 1st March 1819.

Cuttack.

50. If any zemindars or other proprietors of estates within the said district and pergunnah and its dependencies, who may have entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue those engagements to the expiration of the year 1229 Umlee, they shall notify the same to the Collector of Cuttack, or to the Collector of Hidgelee, according as the lands may be subject to the authority of either of those officers, on or before the 1st March 1819, corresponding with the 19th Phagoon 1225 Bengal era, the 19th Phagoon 1226 Fussily; the 20th Phagoon 1226 Willaity; the 5th Phagoon 1875 Sumbut, and the 3d Jumadoolawal 1234 Higeree.—*Reg.* XIII. 1818, *Sect.* 3.

Zemindars liable to the payment of the same revenue as before, if they do not make such notification.

Cuttack.

51. All zemindars who shall not make a notification to the effect, and within the period above-mentioned, shall be held, and are hereby declared to be responsible, for the payment of the same revenue, during the ensuing three years, viz. until the expiration of the year 1229 Umlee, as may be demanded from them on account of the present year, under the provisions of Regulation VI. 1816, or under distinct engagements entered into by such proprietors.—*Reg.* XIII. 1818, *Sect.* 4.

Settlement how to be formed of estates now let to farm or held khas.

Cuttack.

52. With respect to estates which are at present let to farm, and of which the leases will expire with the present year; as well as estates now held khas, the settlement of all such lands shall be formed for the ensuing three years with the zemindars, or other actual proprietors of land, supposing such persons to be willing to engage for the payment of the public revenue, on such terms as may appear reasonable, according to the most accurate information obtainable regarding the produce of their lands.—*Reg.* XIII. 1818, *Sect.* 5.

Revenue authorities how to proceed in cases where the zemindars or proprietors may relinquish the management of their estates, and in cases where no proprietors of

53. In cases in which the zemindars or other proprietors may relinquish the management of their estates under the option given to them, by Section 3, of this Regulation, or who may otherwise decline to engage for the payment of the revenue demandable from their lands during the ensuing three years, and in cases in which no acknowledged proprietors of

lands may be forthcoming, it will of course be the duty of the revenue authorities to take timely measures for ascertaining the assets of the estates, and it shall be competent in such cases to the said authorities to let the lands in farm for such period not exceeding ten years, as the Governor General in Council shall appoint, or to assume the direct management of them. In all such cases the recusing zemindars shall be entitled from and after the commencement of the ensuing Umlee year, to receive an allowance as malikanah, at such rate as the Board of Revenue, the Commissioner in Cuttack, or other officer exercising the powers of the said Board, shall in each case determine, any thing in the existing Regulations notwithstanding; provided, however, that the said allowance shall not in any case be less than five per cent. on the net amount realized by Government from the lands, nor shall it exceed ten per cent. on that amount, without the special sanction of the Governor General in Council: Provided further, that if the said recusing zemindars or other proprietors, shall in any case be in the receipt of any allowance in lieu of the nankar, formerly granted to them by the Marhatta Government, under the provisions of Regulation XII. 1805, the amount of such nankar allowance shall be deducted from the malikanah, to which they are by this Section declared to be entitled.—*Reg.* XIII. 1818, *Sect.* 6.

lands may be forthcoming.

Cuttack.

Recusing zemindars entitled to an allowance as malikanah.

At what rate the malikanah to be fixed.

All nankar allowance enjoyed by a recusing zemindar, to be deducted from the malikanah authorized under the present Regulation.

The rules for the settlement of subsequent years are contained in Regulation VII. 1822, and given in Chap. III. Sect. 6, of this compilation.

CHAPTER VI.

SETTLEMENT WITH THE GHAUTWAULS OF BEERBHOOM.

Preamble.

Beerbhoom.

1. Whereas the lands held by the class of persons, denominated ghautwauls, in the district of Beerbhoom, form a peculiar tenure, to which the provisions of the existing regulations are not expressly applicable: and whereas every ground exists to believe, that according to the former usages and constitution of the country, this class of persons are entitled to hold their lands, generation after generation, in perpetuity, subject nevertheless to the payment of a fixed and established rent to the zemindar of Beerbhoom, and to the performance of certain duties for the maintenance of the public peace, and support of the police: And whereas the rents, payable by those tenants, have been recently adjusted, after a full and minute enquiry made by the proper officers in the Revenue Department: And whereas it is essential to give stability to the arrangements now established among the ghautwauls, the following rules have been adopted, to be in force, from the period of their promulgation, in the district of Beerbhoom.—*Reg.* XXIX. 1814, *Sect.* 1.

The ghautwauls in Beerbhoom and their descendants in perpetuity to be maintained in possession of their lands, and not liable to an enhancement of rent.

Beerbhoom.

2. A settlement having lately been made on the part of the Government with the ghautwauls in the district of Beerbhoom, it is hereby declared that they and their descendants in perpetuity shall be maintained in possession of the lands so long as they shall respectively pay the revenue at present assessed upon them, and that they shall not be liable to any enhancement of rent so long as they shall punctually discharge the same, and fulfil the other obligations of their tenure.—*Reg.* XXIX. 1814, *Sect.* 2.

3. The ghautwaulee lands shall be considered as at present to form a part of the zemindaree of Beerbhoom, but the rents of ghautwauls shall be paid direct to the assistant collector stationed at Soory, or to such other public officer, as the Board of Revenue, with the sanction of the Governor General in Council, may direct to receive the rents.—*Reg.* XXIX. 1814, *Sect.* 3.

The ghautwaulee lands considered to from a part of the zemindary of Beerbhoom, and the rents how to be paid.

Beerbhoom.

4. The difference between the amount of the revenue assessed on the ghautwauls, and the fixed assessment of revenue in this portion of the zemindaree of Beerbhoom payable to Government, shall be paid to the zemindar of Beerbhoom, and his heirs and successors, in perpetuity.—*Reg.* XXIX. 1814, *Sect.* 4.

The difference between the amount of revenue assessed on ghautwauls and the fixed assessment payable to Government to be paid to the zemindar of Beerbhoom.

Beerbhoom.

5. Should any of the ghautwauls at any time fail to discharge their stipulated rents, it shall be competent for the Governor General in Council to cause the ghautwaulee tenure of such defaulter to be sold by public sale in satisfaction of the arrears due from him, in like manner, and under the same rules as land held immediately of Government, or to make over the tenure of such defaulter to any person whom the Governor General in Council may approve on the condition of making good the arrear due; or to transfer it by grants assessed with the same revenue, or with an increased or reduced assessment, as to the Government may appear meet; or to dispose of it in such other form and manner as shall be judged by the Governor General in Council proper. Should any increase of revenue be obtained from the operation of any arrangements of the nature above described, such increase shall be paid in conformity to the tenor of the preceding article to the zemindar of Beerbhoom, his heirs and successors.—*Reg.* XXIX. 1814, *Sect.* 5.

On failure of the ghautwauls to discharge their stipulated rents, their tenure how to be disposed of;

Beerbhoom.

and the increase of revenue which may be obtained by that arrangement, to be paid to the zemindar of Beerbhoom.

CHAPTER VII.

MAKING OR REVISING SETTLEMENTS OF THE LAND REVENUE.

SECT. I.

Principles of the Settlement.

Revenue officers may revise settlement of estates, on which the existing leases shall be extended under Section 2, during the continuance of such extended lease.

1. In cases wherein the existing engagements may be continued under the rule contained in Section 2 of this Regulation, (Chap. III. Par. 85—90) it shall and may be lawful for the Collector with the sanction of the Board of Commissioners, to enter, at any time in the course thereof, on a revision of the settlement, notwithstanding such continuance of the existing leases, and to adopt such measures as may be requisite for ascertaining and determining the extent and produce of the lands and the amount of jumma properly demandable therefrom, and for procuring and recording the fullest possible information in regard to the rights, interests, privileges, and properties of the agricultural community; and to determine the same with the same powers and authority as they now are, or may hereafter be entitled to exercise, in forming the settlements of estates open to re-assessment.—*Reg.* VII. 1822, *Sect.* 6, *Cl.* 1.

Revision of settlement how to be made.

2. The said revision of the settlement shall be made village by village and muhal by muhal, and such number of muhals shall be revised in each year as the Board, under the orders of the Governor General in Council may direct.—*Reg.* VII. 1822, *Sect.* 6, *Cl.* 2.

Revision of settlement shall not operate to alter the amount of the jumma payable on account of lands included in existing engagements.

3. Such revision of the settlement shall not operate to disturb the existing engagements during the period for which they may be continued under the provisions of Section 2 of this Regulation, in so far as such engagements relate to the amount of jumma demandable by Government: but the said engagements shall be

held and considered to include only such villages and lands as may be specified in the proceedings or accounts of the settlement last concluded: and if on the revision of the settlement of any muhal, it shall be found that there has been any material error or concealment of lands belonging to such muhal, the Collector shall be authorized, subject to the orders of the Board, separately to assess the lands so withheld from the knowledge of the revenue authorities, in the same manner and with the same powers as he would assess an unsettled muhal. Provided also, that nothing in this or the preceding sections, shall be construed to prevent the revenue officers from passing and enforcing such orders in regard to the rights and interests to be enjoyed by the different classes or persons connected with any muhal during the period for which the existing settlement has been extended, as they may or shall be authorized to pass or enforce, when adjusting the assessment of an unsettled muhal. —*Reg.* VII. 1822, *Sect.* 6, *Cl.* 3.

But lands withheld from the knowledge of the revenue officers at past settlements may be separately assessed.

Revenue officers revising settlements to exercise the same authority in adjusting the relative rights of individuals, as they may exercise when assessing a muhal open to re-assessment.

4. It shall in like manner be competent to the Collectors in the Conquered Provinces, and in the Province of Bundlekund to enter on a revision of the settlement under the provisions contained in the preceding clauses of this section, during the continuance of the existing leases.—*Reg.* VII. 1822, *Sect.* 6, *Cl.* 4.

Collectors in the Conquered Provinces to revise settlements during the continuance of the existing leases.

5. When a Collector in the Ceded Provinces or in the Province of Cuttack shall have completed the revision of the settlement of any muhals under the rules contained in the preceding section, it shall and may be lawful for him, subject to the orders of the Board of Commissioners and of Government, to grant to the proprietors, if willing to engage on adequate terms, renewed leases for such farther term of years subsequent to the year 1234 Fussily or Umlee, as the Governor General in Council may direct.—*Reg.* VII. 1822, *Sect.* 7, *Cl.* 1.

When revision of settlement completed, prolonged leases to be granted in the Ceded Provinces and in Cuttack, Pataspore and its dependencies for years subsequent to 1234.

6. The assessment to be demanded on account of the years subsequent to the year 1234 Fussily, to which leases renewed as above may extend, shall be fixed with reference to the produce and capabilities of the land, as ascertained at the time when the revision of the settlement shall be made, unless under special circumstances justifying a prospective enhancement of the Government demand. Provided also, that the amount of such assessment shall not be raised above that of the present jumma, unless it shall clearly appear, that the net profits to be

Jumma for years subsequent to 1234 how to be adjusted.

derived from the land by the zemindars and others who may be entitled to share in the profits arising out of the limitation of the Government demand, will exceed 1-5th of that amount: and in cases wherein any increase may be demanded, the assessment shall be so regulated as to leave the zemindars and others aforesaid a net profit of twenty per cent. on the amount of the jumma payable by or through them respectively, no abatement on the existing jumma will be allowed, unless on the clearest grounds of necessity.—*Reg.* VII. 1822, *Sect.* 7, *Cl.* 2.

Pottahs granted on revised settlement only to cover lands specified.

7. The pottahs granted on such revised settlements shall be held only to secure the malgoozars from further demand during the term of their respective leases, on account of the lands specified in it, or described in the settlement roobakaree of the Collector, with such allowance for error as may be distinctly declared at the time of settlement. Zemindars and other persons entering into engagements will be required therefore to afford the fullest and most correct information in regard to the rucba of the muhals for which they may engage.—*Reg.* VII. 1822, *Sect.* 7, *Cl.* 3.

In Conquered Provinces likewise, renewed leases to be granted pending the present settlement for a term of years subsequent to its expiration.

8. In like manner it shall and may be lawful for Collectors in the Conquered Provinces and in the Province of Bundlecund, to grant renewed leases for a further term of years subsequent to the expiration of the existing settlement, subject to the same rules, restrictions and provisions, as are enacted in the preceding clauses relatively to the Ceded Provinces.—*Reg.* VII. 1822, *Sect.* 7, *Cl.* 4.

Cases wherein the final settlement of estates shall after revision, be postponed until the expiration of the current leases.

9. If any zemindar or other sudder malgoozar, the settlement of whose estate may be revised under the above rules, shall refuse to enter into suitable engagements for a further period beyond the term of the then current lease, or if after such revision, the revenue authorities shall under any other circumstances deem it expedient to postpone taking further engagements for the payment of the revenue of any muhals until the expiration of the current leases, it shall be competent to them to do so: and in such case, the several rules contained in Section 3, of this Regulation, relative to estates of which the settlement will expire with the present year, shall on the expiration of the said leases be and be held applicable to such muhals.—*Reg.* VII. 1822, *Sect.* 7, *Cl.* 5.

Rules applicable to such cases.

The same rules

10. The same rules shall also be applicable to the several

muhals within the district of Goruckpore, the chuklah Azimgurh, the purgunnah Putaspore and its dependencies, as they may respectively become, or be declared open for re-settlement. —*Reg.* VII. 1822, *Sect.* 7, *Cl.* 6.

applicable to estates in Goruckpore, Azimghur, Putaspore, &c. as they may become open to re-settlement.

11. Where the waste land belonging to or adjoining any muhal, is very extensive, so as considerably to exceed the quantity required for pasturage or otherwise usefully appropriated, it shall be competent to the revenue officers to grant leases for the same, to any persons who may be willing to undertake the cultivation, in perpetuity, or for such periods as the Governor General in Council shall determine; and to assign to the zemindars, or others who may establish a right of property in the lands so granted, an allowance equivalent to ten per cent. on the amount payable to Government by the lessees, in lieu and bar of all claims to or in the waste lands so granted, or such other perquisites or privileges as by the custom of the country they may appear in such cases entitled to receive.—*Reg.* VII. 1822, *Sect.* 8.

Wastelands may be disposed of by Government, under what conditions.

12. It shall be the duty of Collectors and other officers exercising the powers of Collectors, on the occasion of making or revising settlements of the land revenue, to unite with the adjustment of the assessment and the investigation of the extent and produce of the lands, the object of ascertaining and recording the fullest possible information in regard to landed tenures, the rights, interests and privileges of the various classes of the agricultural community. For this purpose, their proceedings shall embrace the formation of as accurate a record as possible, of all local usages connected with landed tenures, as full as practicable a specification of all persons enjoying the possession and property of the soil, or vested with any heritable or transferable interest in the land or the rents of it, care being taken to distinguish the different modes of possession and property, and the real nature and extent of the interests held, more especially where several persons may hold interests in the same subject matter of different lands or degrees. This record shall, in putteedaree or bhyachara villages or the like, include an accurate register of all the coparceners, not merely the heads of divisions, such as the puttees, thokes or bahrees, but also as far as possible of every person who occupies lands, disposes of its produce, or receives rent as proprietor, or as agent for one or more proprietors holding land and disposing

Detailed investigations to be prosecuted by Collectors and other officers making or revising settlements.

Proceedings to embrace what particulars.

of its produce, or receiving the rents of it in common, with a detailed statement of the interior arrangements adopted by the brotherhood, for the distribution of the profits derived from sources common to the coparcenency, where any such exist, and for determining the share of the Government jumma, and of the village expenses which each parcener is to contribute, or the other modes in which the engaging parcener or intermediate putteedars and behreedars collect from the cultivators. A record shall likewise be formed of the rates per beegah of each description of land or kind of produce, demandable from the resident cultivators, not claiming any transferable property in the soil, whether possessing the right of hereditary occupancy or not, and the respective shares of the sudder malgoozar or other manager and the cultivator, in lands cultivated under kunkoot, bataie, or similar engagement, with a distinct specification of all cesses or extra collections made by the malgoozar or village manager or other. The names of all the village putwarees and village watchmen shall also be registered, with a statement of the amount and nature of the allowances assigned to them. And all lakheraj tenures shall be carefully recorded with a specification of the nature of the tenure. The information collected on the above points shall be so arranged and recorded as to admit of an immediate reference hereafter by the courts of judicature; it being understood and declared that all decisions on the demands of the zemindars shall hereafter be regulated by the rates of rent and modes of payment avowed and ascertained at the settlement, and recorded in the Collector's proceedings, until distinctly altered by mutual agreement or after full investigation in a regular suit: And all cesses or collections not avowed and sanctioned nor taken into account in fixing the Government jumma, shall be held illegal and unauthorized, unless now or hereafter specially sanctioned by Government.—*Reg.* VII. 1822, *Sect.* 9, *Cl.* 1.

How far to be binding on the courts of judicature.

What cesses or collections to be held illegal.

Collectors and other officers making settlement may grant pottahs to mofussil zemindars and ryots.

13. Provided also that it shall be competent to Collectors and other officers as aforesaid (subject to the orders of the Board of Commissioners) to grant pottahs to the several mofussil zemindars and ryots or other owners or occupants of land for the land owned or occupied by them, specifying the amount to be paid by them, and all the conditions attaching to their tenure, and a register of all pottahs so granted shall form a

part of the roobakaree of settlement.—*Reg.* VII. 1822, *Sect.* 9, *Cl.* 2.

In what case engagements for the revenue may be taken as heretofore, without a detailed mofussil settlement.

14. Provided however that if from the number of estates, of which the leases may at once expire in any district, or from any other special cause, it shall be found necessary for the security of the Government revenue, to take engagements from any zemindar, malgoozar, or farmer, without completing the detailed enquiries above directed, it shall be competent to the Boards of Revenue or other authority exercising the powers of such a Board, to cause engagements for the revenue to be taken in the manner heretofore in use, reporting the circumstances to the Governor General in Council: But the term of the engagements so taken shall not exceed five years, and the rules relative to the revision of the settlements of muhals, of which the existing leases have been extended under the provisions of Section 2, of this Regulation, shall be equally applicable to estates for which such engagements shall be taken.—*Reg.* VII. 1822, *Sect.* 9, *Cl.* 3.

Such engagements not to be granted for a term exceeding five years, nor to bar an intermediate revision.

Provisions of Regulation VII. 1822 in regard to the mode of determining the amount of jumma to be demanded from any muhal, rescinded.

15. So much of Regulation VII. of 1822 as prescribes, or has been understood to prescribe, that the amount of jumma to be demanded from any muhal shall be calculated on an ascertainment of the quantity and value of actual produce, or on a comparison between the costs of production and value of produce, is hereby rescinded.—*Reg.* IX. 1833, *Sect.* 2.

SECT. II.

Rules regarding the revision of the settlements of Estates held in Coparcenery.

In cases where several persons holding interests of different kinds may have separate properties in the same land, Government may determine which of such parties shall be admitted to engage for the public revenue.

Provision to be made for the remaining parties.

Government will also determine the manner and proportion in which the net rent or profit arising out of the

10. Of several parties possessing separate heritable and transferable properties in any parcel of land, or in the produce or rent thereof; such properties consisting of interests of different kinds: it shall be competent to the Governor General in Council to determine and direct which of such parties shall be admitted to engage for the payment of the Government revenue; due provision being made for securing the rights of the remaining parties: It is further hereby declared and enacted that it is, and shall be competent to the Governor General in Council, in confirming the settlement of any muhal in perpetuity or for a term of years, to determine and prescribe the manner and proportion in which the net rent or profit arising

limitation of the public demand shall be distributed among the different parties possessing properties in lands settled in perpetuity or for a term of years.

out of the limitation of the Government demand, shall be distributed among the different parties possessing an interest in the lands appertaining to such muhal, or in the rent or produce of such lands or muhal.—*Reg.* VII. 1822, *Sect.* 10, *Cl.* 1.

Mofussil settlements to be made in cases wherein the title of an intermediate manager between Government and the proprietors or hereditary occupants of of the soil may be maintained.

17. In cases wherein any land appertaining to a muhal hitherto recognized as the talooka, zemindaree, or the like of one or more sudder malgoozars, may be owned or occupied by other persons holding under the sudder malgoozar, and possessing an heritable and transferable property therein, or a hereditary right of occupancy subject to the payment of a fixed rent, or of a rent determinable by a fixed principle, if the title of the said sudder malgoozar to engage for the revenue be upheld, and generally in cases wherein the tenure of an intermediate malgoozar or manager between the Government and the proprietors or hereditary occupants of the soil may be maintained, whether the Government revenue be collected from the zemindar, talookdar, or other hereditary intermediate malgoozar, or the muhal be farmed or held khas, it shall be competent to the Collector or other officer who may be employed in adjusting the jumma to be assessed on such muhal, with the sanction of the Board previously obtained, and subject to the orders and direction of that authority to make a mofussil settlement with each of the proprietors or occupants aforesaid for the land possessed by him, and to grant such proprietors or occupants pottahs defining the condition on which they are to hold their land, whether subordinate to the sudder malgoozar or to the farmer or officer of Government employed in the khas management, and in all such cases, if engagements for the Government revenue of the muhal be taken from the intermediate hereditary malgoozar, the particulars of the mofussil settlement, when approved by the Board, shall be endorsed on the pottah to be granted to the sudder malgoozar, or shall be so incorporated with the engagement taken from him as to form part of the same.—*Reg.* VII. 1822, *Sect.* 10, *Cl.* 2.

Where several persons may hold a common property or properties subject to a common obligation.

18. In cases in which two or more persons may possess a joint property in any village, muhal or parcel of land, or in the rent or produce of any village, muhal or land, or in any part of such village, muhal, land, rent or produce, the property of such persons consisting of interests of the same kind, whether of the same extent or otherwise, as well as in cases

wherein such property in any muhal, village, land, produce or rent, may be separately possessed by parties subject by prescriptive usage to common obligations, whether existing or contingent, it shall be competent to the Collector or other officer exercising the powers of Collector, subject to the orders and direction of the Board and of the Governor General in Council, either to make a joint settlement with the parties collectively, or a majority of them, or with an agent appointed by them, or a majority of them, or to select one or more of them to undertake the management of the muhal as sudder malgoozars, due advertence being had to the wishes of all the coparceners, and to the past custom of the village or villages comprized in the muhal.—*Reg.* VII. 1822, *Sect.* 10, *Cl.* 3.

The revenue officers may make a joint settlement with or in behalf of the parties collectively, nor of a majority of them.

Or may select one or more to manage the muhal as sudder malgoozars.

19. When it shall be determined to make a joint settlement for any village, muhal or parcel of land, with the parties possessing therein a joint property as aforesaid, the Collector or other officer making the settlement shall give notice of his intention by a written proclamation to be stuck up in some public place within the village, muhal or land, and shall require all persons possessing therein a property as aforesaid, to attend, either in person or by representative duly authorized in the matter, within a reasonable period, at a stated place and time, and to declare their agreement or non-agreement to the jumma proposed to be assessed on the village or land.—*Reg.* VII. 1822, *Sect.* 10, *Cl.* 4.

When a joint settlement is to be made parties how to be summoned.

20. If any person or persons, when summoned as above, shall refuse, neglect, or omit to attend, either in person or representative, such person or persons shall be held to be bound by the decision of the majority of those who may attend in agreeing or disagreeing to the jumma, and his or their interests and estate shall, unless otherwise specially allowed, be held responsible for the Government revenue and be liable to sale in the event of any arrear accruing on account of the settlement.—*Reg.* VII. 1822, *Sect.* 10, *Cl.* 5.

Persons wilfully failing to attend when summoned, to be bound by decision of the majority who may attend, and to be responsible for the revenue agreed to.

Unless otherwise specially provided.

21. If any person or persons shall attend, and shall object to the jumma proposed to be assessed, then should a settlement be made with the other parties present, the objecting parties shall be left in the enjoyment of the same rights and interests, as they would enjoy in the event of the muhal being farmed or held khas: and in so far as regards the lands, to which such rights and interests attach, the other parceners, if their engage-

In cases in which any of the parceners object to the jumma assessed, the engaging parceners shall be deemed to be farmers of the revenue of the lands belonging to the recusants, if their engagements extend to such lands.

ments be extended thereto, shall be considered farmers of the Government revenue, to hold the same under leases of such term as may be determined and agreed upon under the general rules applicable to lands for which the proprietors may refuse to engage.—*Reg.* VII. 1822, *Sect.* 10, *Cl.* 6.

Proprietors cultivating lands of which the revenue may be collected khas or farmed at what rates to pay rent.

22. When any muhal or portion of a muhal held by a number of cultivating proprietors in putteedaree or bhyachara tenure or the like, shall be let in farm or held khas, the rent demandable from the proprietors of such muhal or portion of muhal on account of the land occupied and cultivated by themselves, shall be adjusted by the rates payable by ryots or other resident cultivators not having a heritable and transferable property in the soil, for lands of a similar description in the same or in the adjoining villages, with a deduction of five per cent. on account of malikanah or such other rate, not being less than five per cent. as Government may determine.—*Reg.* VII. 1822, *Sect.* 10, *Cl.* 7.

When the settlement of a muhal held in common tenancy or subject to common obligation, shall be made with one or more of the parceners selected as manager or sudder malgoozar, on what terms the other parceners are to hold.

Nature and conditions of the sudder malgoozar's tenures to be declared.

23. When it shall be determined to make a settlement of a muhal of the above description with one or more of the parceners selected to manage, collect, and account for the public revenue as sudder malgoozar, then, and in that case, the interests of the non-engaging parceners shall not be held answerable for the default of the sudder malgoozars, save and except in so far as may be specifically provided. Such parceners shall, until regularly separated, continue to hold their lands as subordinate proprietors, subject to the payment of rent or revenue to the sudder malgoozar at the rates and in the mode heretofore in use, excepting in so far as that usage may be effected by the determination of Government in regard to the distribution of the net rent or profit derived from the limitation of the Government demand, or by the rules now in force, or hereafter to be enacted for vesting the sudder malgoozars with specific powers over the subordinate tenants in the collection of the rent or revenue demandable from them. The responsibility attaching to the persons selected as sudder malgoozars, and the conditions under which they are to hold that title of management, will, in each case, be specifically declared at or after the time when the settlement is confirmed. The conditions and limitations under which the subordinate proprietors shall be admitted to separate engagements, will also be similarly declared. —*Reg.* VII. 1822, *Sect.* 10, *Cl.* 8.

Lands separately owned and occupied, though hitherto held as one muhal, may be separately settled.

24. Provided further, that in all cases wherein different parcels of land belonging to any muhal may be separately owned and occupied by different proprietors, or by different bodies of proprietors, it shall be competent to the Boards of Revenue, or other authority exercising the powers of that Board, to cause a separate settlement to be made for the land owned and occupied by each proprietor, or by each body of proprietors, and each parcel of land for which a separate settlement may be so made, shall be held exclusively responsible for the revenue assessed upon it. Provided also, that if the several parties possessing a joint property or separate properties subject to a common obligation as aforesaid, or any of them shall apply to a Collector or other officer making or revising a settlement, to have separate possesssion of their several share or shares in such joint property, or to be admitted to separate engagements, it shall be competent to such Collector or other officer, with the sanction of the Board, or other authority to which he may be subordinate, to make a partition of the property among the different parties according to their respective interests, and to make a separate settlement with each of them, or with such as may desire to enter into separate engagements.—*Reg.* VII. 1822, *Sect.* 10, *Cl.* 9.

Joint properties, or properties subject to a joint obligation in what cases to be divided.

Proprietors though excluded from engagements may have their names registered.

25. In all cases wherein any proprietors may be excluded from engagements, the Collector shall be careful to let it be known, that all persons possessing a property in the muhal, are entitled to have their names recorded in the roobukaree of settlement, with the amount or rate of the assessment demandable from each.—*Reg.* VII. 1822, *Sect.* 10, *Cl.* 10.

Collectors forming such registry to proceed on the basis of actual possession.

26. The Collector's proceedings in forming the registry above directed, shall be founded on the basis of actual possession, and that officer shall, in every instance, be careful to record the precise nature of the authority on which the entries in his books may be made. In conformity with the above principle, it shall be competent to the Collectors or other officers when making or revising settlements, or otherwise deputed to investigate and determine the circumstances of any muhal, and the nature of the tenures connected with it, to correct the errors or omissions of former settlements by admitting to engagements or entering on the public records, the names of persons found in the bonâ fide possession of land, or in the receipt of rent under a proprietary title, and in such cases, the Collector will hold an official

proceeding, explaining fully the grounds on which he may act. —*Reg.* VII. 1822, *Sect.* 11, *Cl.* 1.

In estates held under putteedaree, bhyachara or the like tenure, Collectors may in certain cases, make a fresh allotment of the revenue and charges payable by the several parceners.

27. In cases in which the proportion of the Government jumma and village expenses payable by each proprietor and by each body of proprietors comprized in the several puttees, behrees and other divisions of an estate held under putteedaree or bhyachara tenure or the like, may have been originally fixed on a measurement of the lands occupied by each, with reference to the quantity in cultivation, and may be liable by the usage of the country to periodical adjustment on the same principle, if the Collector or other officer making or revising the settlement shall be satisfied by examination of the putwaries' accounts or otherwise, that the contributions paid by any proprietor or body of proprietors as aforesaid, are materially in excess of the amount justly demandable from them, it shall be competent to him, with the previous sanction of the Board, to cause a new distribution to be made of the revenue and charges payable by each, with reference to the above principle and to such resolutions as Government may have passed relative to the apportionment of the net rent or profits arising out of the limitation of the Government demand, and in the performance of this duty to employ the Canoongoe and such person or persons, as he may judge it advisable to appoint, and to settle the jumma payable by the different parties according to the award of such person or persons, or otherwise as shall appear to be just and equitable.—*Reg.* VII. 1822, *Sect.* 12, *Cl.* 1.

And in certain cases may make a fresh partition of the land.

28. In like manner in cases in which the several proprietors shall be entitled, not only to an adjustment from time to time of the jumma payable on account of the lands occupied by them, but likewise to a periodical partition of the lands of the village with reference to the share recorded as belonging to each, it shall be competent to the Collector to cause a fresh partition of the lands and adjustment of the jumma to be made as above prescribed, and at the same time to fix and declare the period from which the arrangement as finally settled is to have effect, and to adjust the claims of the parties relative to the revenue intermediately paid by them as may appear equitable. Provided however, that no such partition or adjustment shall be final, until confirmed by the Board of Commissioners, or other authority exercising the powers of that Board: Provided also, that if any parties shall dispute the existence of the usage

Cases wherein parties affected by Collector's decision may contest it in the Adawlut.

under which the partition of the lands shall have been made, and shall claim to be restored to possession of the lands which the Collector may have transferred to another, or shall consider himself entitled to the benefit of a new partition of the lands comprized in the muhal to which he may belong in any case in which the Collector may have refused to order it, it shall be competent to the said party, to bring a regular suit in the zillah court against the person and persons to whom the lands may have been transferred, or the person or persons who may resist the partition, to try the justness of the Collector's decision; but if the existence of the usage shall be admitted or established, it shall not be competent to the courts of judicature to question the accuracy of the partition of the land or adjustment of the jumma, and whenever the decision of a Collector for the partition of any land shall be set aside, it will of course belong to the revenue authorities to re-adjust the jumma with reference to the interests of the parties as defined and settled by the final decision of the courts of judicature, and to the conditions of the tenure, and to any general or special Resolution of Government relative to the distribution of the net rent or profit arising out of the limitation of the public assessment.—*Reg.* VII. 1822, *Sect.* 12, *Cl.* 2.

On what points decision of revenue officers to be conclusive.

SECT. III.

Judicial Powers of Collectors while making and revising Settlements—Rules of Cognizance and Jurisdiction.

29. Collectors and other officers exercising the powers of Collectors shall not, unless where specially authorized in the manner prescribed in this or some other Regulation, do any act tending to disturb possession, but shall leave the Adawlut to investigate in a regular suit all claims of persons not in possession but deeming themselves entitled to be so.—*Reg.* VII. 1822, *Sect.* 13.

Collectors shall not disturb possession unless specially authorized.

30. Collectors making or revising settlements shall, in cases in which any dispute may exist in regard to the nature of the tenure of any person occupying the soil, be competent to declare in an official proceeding to be incorporated in the roobukaree of settlement, the nature and extent of the interests actually possessed by such occupant, referring to the denomination heretofore applied to him only as one means of proof in regard

Collectors making or revising settlements may declare nature and extent of interests possessed by persons occupying land.

to the nature of the interests, but stating at length, with specification of any examination he may take for his satisfaction, the grounds of his determination; so also in cases of dispute regarding the extent of the interest belonging to any sharer in a village or villages held under putteedaree, bhyachara or the like tenure, such sharer having actual possession of a portion of such village or villages, or being in the actual receipt as proprietor of a share of the joint profits of the land, it shall be competent to the Collector to decide the point in the first instance in his roobukaree of settlement, and to enforce his decision, leaving the party who may deem himself aggrieved to seek redress by a regular suit in the Courts to try the right; but nothing herein contained shall be construed to authorize the Courts to interfere with the decision of the Collector in regard to the amount or proportion of jumma to be assessed on any parcel of land, or in respect to the quantity and description of land to be assigned in partition to the holder of any specific share of a joint estate.—*Reg.* VII. 1822, *Sect.* 14, *Cl.* 1.

Where lands held in putteedaree, bhyachara or the like tenure, Collectors may decide disputes as to the extent of interest belonging to any parcener, and may enforce his decision.

Subject to an appeal to the Adawlut.

31. The above rule shall not be construed to empower Collectors, unless otherwise authorized, to take cognizance of any claim, to receive a larger portion of the common profits than the claimant has hitherto enjoyed, or to hold a larger portion of the village or villages than he has hitherto occupied.—*Reg.* VII. 1822, *Sect.* 14, *Cl.* 2.

Collectors shall not under the above rule take cognizance of claims to larger profits, or more land than claimant may have hitherto enjoyed or held.

32. So much of the above Regulation as prescribes, or has been understood to prescribe, that the judicial investigation into and decision on questions of disputed private claims, shall be conducted simultaneously with the ascertainment of, and determination on the amount of the Government demand, is hereby rescinded. The Governor General in Council will hereafter determine the order in which the above matters shall be respectively disposed of.—*Reg.* IX. 1833, *Sect.* 3.

Provisions of the above Regulation in regard to the simultaneous prosecution of judicial investigations and determination of the Government demand, rescinded.

The Governor General in Council will hereafter determine the order in which these matters shall be disposed of.

33. The decisions passed by the Collectors under the above powers, if not altered or annulled by the Board or by Government, shall be maintained by the Courts, unless on investigation in a regular suit it shall appear, that the possession held under such a decision is wrongful: and nothing herein contained shall be understood to authorize any court to interfere with the decision of the revenue authorities relative to the jumma to be assessed on any muhal or portion of a muhal, or to the extent and description of lands belonging to any muhal,

Decision of Revenue Officers to be maintained by Courts unless proved to be wrong in a regular suit.

Courts not to interfere with apportionment of jumma or allotment of land made by Collectors, excepting where the principle

that may be assigned on the partition of the same to the several parceners concerned.—*Reg.* VII. 1822, *Sect.* 14, *Cl.* 3.

of Collector's decision may be at variance with decree.

34. In the settlement of any resumed muhal held, or pretended to be held under sunnuds from the ruling power, or from the aumils or other officers of the Government, whether such lands shall have been heretofore subject to the payment of revenue or otherwise, it shall be competent to the Collector or other officer making the settlement to hear, try and determine all claims to the property and possession of the land comprising such muhal, or the rents or produce thereof,—any thing in the existing Regulations notwithstanding,—and subject to the orders and direction of the Board of Revenue, or other authority exercising the powers of that Board, to give possession to, and conclude a settlement with the party who may appear to have the best title, leaving other claimants to establish their claims by a regular suit in the Zillah or Provincial Court, by which, according to the value of the interest at stake, all decisions passed by the revenue authorities under this Section, may on such suit being fully heard, sued and determined, and not otherwise, be revised, annulled or altered. The above rule shall not extend to lands held free of assessment under grants made by, or at the request of the proprietors themselves, or their representatives, the settlement of which shall ordinarily be made with the parties in possession, if willing to engage on adequate terms.—*Reg.* VII. 1822, *Sect.* 15.

In settling resumed lakhiraj lands, Collectors may take cognizance of claims to the property therein.

And may give possession to parties appearing to have the best title.

Subject to an appeal to the Adawlut by a regular suit.

The above rule not to extend to lands held under grants made by or at the request of proprietors.

35. It shall be competent to the Governor General in Council to grant to a Collector making or revising the settlement of any muhal, whether the same may have been held by a lakhi raj tenure resumed, or being malgoozaree, may have become open to re-settlement in ordinary course, special authority to hear, try and determine as above, all claims to the property and possession of the lands lying within such muhal, or the rent or produce thereof, and to give possession to the party who may appear to have the best title, subject to the orders and direction of the Board, and further subject as above, to the revision of the Zillah or Provincial Court on a regular suit: Provided also that whenever special authority may be given to any Collector as aforesaid, notice of the order of Government shall be published by a proclamation within the muhals, to which the authority so given may extend; and it shall be the duty of the Collectors and the Boards to see that such procla-

Governor General in Council may grant to Collectors making or revising settlements, special authority to take cognizance of claims to the property and possession of land.

mation is duly made. But no decision passed by a Collector under this or any other Section whereby such notification is required, shall be disturbed by any Court of judicature, otherwise than after a full and regular investigation of merits on the plea that proclamation was not made.—*Reg.* VII. 1822, *Sect.* 16.

Collectors making or revising settlements in what cases to take cognizance of claims to property in lands held lakhiraj or at a mocurrery jumma, under valid tenures, and to make a settlement with the proprietors on behalf of the lakhirajdar, or mocurrerydar.

36. It shall be competent to Collectors and other officers engaged in making or revising the settlement of any pergunnah, mowzah or other local division, on the application of persons claiming a right of property in lands held free of assessment, or at a mocurrery jumma, under unquestioned grants from the ruling power, or from the aumils or other officers of Government, and situate within, or adjoining to such pergunnah, mowzah, or other local division, to receive, try and determine the claim; and if satisfied that the applicants do possess, or are entitled to possess, a hereditary and transferable property in the land or the produce or rent thereof, the Collector or other officer, with the sanction of Government previously obtained, shall be authorized to conclude a settlement with them on behalf of the lakhirajdar or mocurrerydar, for such period as the Governor General in Council may direct, and shall grant to each of the said proprietors pottahs, defining the conditions on which they are to hold their lands, subordinate to the lakhirajdar or mocurrerydar.—It shall further be competent to the Collectors, under the orders of the Board of Commissioners, to fix and declare the amount of malikanah or other proprietary allowance to be paid by such lakhirajdars or mocurrerydars to the said proprietors, in the event of their being divested of the occupancy and management of their lands: Proviso that an appeal to the Adawlut shall lie on the question of right of property. Provided however, that either party who may be dissatisfied with the decision of the Collector as to the question of the right of property, shall be at liberty to contest the same in a regular suit in the Adawlut; but the Courts shall not interfere to alter the terms on which the settlement may have been made by the Collector with proprietors, or the amount of malikanah granted to such persons.—*Reg.* VII. 1822, *Sect.* 17.

The provisions contained in Clause 6th, Section 2, and thirty-three following Sections of Regulation VII. 1822, extended to all lands not included within the

37. The provisions contained in Clause 6th, Section 2, and in the thirty-three following Sections of Regulation VII. 1822, are hereby extended to all lands (including jageers, mocurreries and other tenures held free of assessment or at a quit rent under special grant not included within the limits of estates for

which a permanent settlement has been concluded in a manner prescribed by Regulation VIII. 1793, and Regulation II. and XXII. 1795, as far as the same may be applicable.—*Reg.* IX. 1825, *Sect.* 2, *Cl.* 1.

limits of estates for which a permanent settlement has been concluded.

38. The said provisions shall likewise be in force in all estates, which may now or hereafter be held khas, during the period for which they may be so managed.—*Reg.* IX. 1825, *Sect.* 2, *Cl.* 2.

Such provisions to be in force in all estates held under khas management.

39. The provisions aforesaid shall also apply to the Sunderbuns, the Hill lands of Bhaugulpore and other extensive forests and wastes, not included within the limits of pergunnahs, mowzahs or other Revenue divisions, specified at the time of settlement as belonging to the muhals then assessed; as well as to all estates bordering on such forests or wastes.—*Reg.* IX. 1825, *Sect.* 2, *Cl.* 3.

And to be held applicable to the Sunderbuns, the Hill lands of Bhaugulpore, and generally to all forests and wastes not specified in the settlement accounts.

SECT. IV.*

Extension of the powers of the Collector to hear Summary Suits for Rent, &c.

40. The powers specified in Sections 11, 12, 14, 16, 17, 18, and 19, of this Regulation, (VII. of 1822) shall be ordinarily exercised by Collectors when employed in making or revising settlements of the land revenue, and shall extend to all the lands comprized in the pergunnah in which he may be so employed; but it shall be competent to the Government by an order in Council, to be publicly proclaimed in the district, to restrict the authority of Collectors and other officers making settlements in such manner, and to such extent, as he may, from time to time, judge expedient. In like manner it shall be competent to Government to vest such Collectors as may, from time to time, be judged fit, with a special authority to receive, try and determine in the first instance, subject to a regular suit in the Adawlut as above provided, all or any of the questions of the nature specified in the aforesaid Sections, though the said Collectors may not be engaged in making or revising a settlement of the land revenue, and to vest in such of the Collectors as may be thought proper, authority (either generally or within such limits as may be from

Powers specified in Sections 11, 12, 14, 16, 17, 18, and 19, to be ordinarily vested in Collectors making or revising settlements.

But Governor General in Council may restrict powers to be exercised on any particular occasion.

Like powers may be especially vested in Collectors though not engaged in making or revising settlements.

Collectors may be similarly vested with special

* I am not certain that this and the succeeding sections regarding the hearing of summary suits should not have been transferred to the Section of Chapter IX. which relates to that subject. Finding the enactments in the great Regulation for making and revising settlements I was led to insert these rules in this place. On reconsidering the matter, I have reprinted this sheet and appended this note, for the direction of the reader. This will account for some irregularity in the numbering of the Paragraphs and for the repetition of the heading Section IV.

powers to try all suits regarding rent.

time to time, determined) to receive, try and determine by summary process, all suits for rent which may be preferred by zemindars, talookdars or other sudder malgoozars or farmers of land, or by any person in their behalf against any dependant talookdar, zemindar, under-renter, ryot or other under-tenant of whatever denomination, as well as all applications by ryots and the under-tenants contesting the demand of a sudder malgoozar or farmer, and all complaints preferred by ryots or other under-tenants of whatever description, against landholders or farmers of land, or their respective agents or representatives, on account of excessive demand or undue exaction of rent, whether levied by distraint or otherwise, as well as all suits relative to the adjustment of accounts between landholders and farmers of land or under-tenants of whatever description, with their sureties, or with any agents or persons employed by them in the management of land, or the collection or payment of the rent of land, and to all other matters immediately connected with the demand, receipt or payment of the rent of land, whether malgoozary or lakhiraj, or with the rent of orchards, pasture grounds, and fisheries, commonly denominated Phulkur, Bunkur and Julkur, or with any other asset of the land revenue, not included in the sayer abolished, together with all complaints of the non-delivery of pottahs when demandable under the Regulations, or complaints of the prescribed receipts not being given for actual payment of rent, and generally complaints of any deviation from the Regulations, or from the established usage of the country relative to the matters aforesaid, or any violation of subsisting engagements in disputes respecting the rent and occupancy of land, between landholders or farmers of land, and their under-tenants of whatever denomination.—*Reg.* VII. 1822, *Sect.* 20. *Cl.* 1.

Or exaction of rent.

The adjustment of accounts between landlord and tenant their sureties and agents.

And touching all matters connected with land, the rents or produce of land, the delivery of pottahs, the violation of engagements and generally all disputes between Sudder Malgoozars, and farmers and their tenants.

Appointment of Collector to exercise the above duties how to be notified.

41. The appointment of the Collector to the discharge of the above duties, and the extent of the jurisdiction to be assigned to him, shall be notified by proclamation in the district, after such manner as the Governor General in Council may direct; and after the publication of such notice, all summary suits, actions, applications and complaints of the above nature, and referring to lands or the rents, produce or accessions of land lying within the jurisdiction assigned to the Collector as above, which may be preferred in the Zillah or City Adawlut by any sudder malgoozar, zemindar, talookdar, farmer, ryot or other proprietor or under-tenant of land, shall, immediately on being received, be referred for trial to the Collector, to whom also

all such summary suits depending at the time shall be transferred: provided also that in such cases, parties having suits or complaints to prefer of which the cognizance may be vested as above in the Collector, shall be at liberty to prefer them to that officer in the first instance. It shall in like manner be competent to the Governor General to fix by an order in Council, the period at which the special powers given as above to a Collector, and the authority to be ordinarily exercised by these officers on the occasion of making settlements, shall cease and determine.—*Reg.* VII. 1822, *Sect.* 20, *Cl.* 2.

Governor General may fix by proclamation period for which Collectors are to exercise judicial powers under this Regulation.

42. No complaint or application of the nature specified in the preceding Clauses, shall be received by a Collector under the rules of this Regulation, unless the plaint or application shall have been preferred within the period of one year after the cause of action shall have arisen.—*Reg.* VII. 1822, *Sect.* 20, *Cl.* 3.

Collectors shall not take cognizance of complaints specified in preceding clauses, unless preferred within one year.

43. It shall be competent to the Governor General in Council to vest any Collector, or other officer exercising the powers of Collector, within the provinces of Bengal, Behar, Orissa, and Benares, with the several powers specified in Section 20, Regulation VII. 1822, in the manner specified in the Second Clause of that Section, within such local limits as may from time to time appear to be advisable: and the several provisions contained in Section 21 and the fourteen following Sections shall apply to the several pergunnahs or other local divisions so placed under the jurisdiction of the Collector, or other officer aforesaid.—*Reg.* IX. 1825, *Sect.* 3.

The Governor General in Council may vest any Collector, &c. with the several powers specified in Section 20, Regulation VII. 1822, within such limits as may be considered advisable.

In such cases the several provisions contained in Section 21, &c. to be considered applicable.

47. To prevent doubts as to the period, for which Collectors, and other officers aforesaid, are to possess the powers vested in them by this Regulation, and by Regulation VII. 1822, in regard to any muhals of which the settlement may have been or may be about to be made or revised, it is hereby declared and enacted that they shall be held and considered to be engaged in making and revising such settlement from the date on which they may have issued or may issue orders for adjusting the boundaries, for measuring any of the lands, or for making a census of the inhabitants of any village or portion of a village belonging to such muhal, of which intimation shall be given to the Magistrate or Joint Magistrate within whose division the village shall be situated, up to the day on which they may be informed that the settlement, as made and revised by them, has been finally confirmed by Government. During the aforesaid period, the powers vested in Magistrates and

Period defined, during which Collectors are to be considered to be engaged in making and revising settlements.

The powers vested in Magistrates and Joint Magis-

trates by Regulation XV. 1824, to be suspended for such period, and those officers to be guided by the rules of Clause 2, Section 34, Regulation VII. 1822.

Joint Magistrates by Regulation XV. 1824, shall be suspended in regard to all muhals, of which the settlement may be so in progress: and the said officers shall be guided, in respect to such muhals, by the provisions of Clause 2, Section 34, Regulation VII. 1822, by which they were required to refer to the revenue authorities, disputes regarding lands, premises, crops, watercourses, and the like. And all police officers are required to give immediate and efficient support to Collectors and other revenue officers in the execution of their duties.—*Reg.* IV. 1828, *Sect.* 2, *Cl.* 4.

Police officers to give immediate and efficient aid to Collectors.

Collectors to be the judges to the question of jurisdiction.

48. The Collector shall in cases of doubt be the judge of the question of jurisdiction, subject to the orders of the Board and of Government, and the Courts of Judicature shall not disturb possession given by the Collector, except on a regular suit, and on a decision as to the right.—*Reg.* VII. 1822, *Sect.* 18.

Collectors authorized to depute native officers to make enquiries preparatory to settlement.

49. It shall and may be lawful for a Collector or other officer exercising the powers of Collector, preparatory to making or revising a settlement as aforesaid, to depute any tehseeldar, canoongoe, ameen, or other fixed or temporary officer to any village or muhal, whether the same be managed by a zemindar or farmer, or be held khas, to enquire into the various matters which such Collector or other officer is required or empowered to investigate, in order to form a settlement in the mode prescribed by this Regulation. Any such native officer so deputed as above, shall be deemed to be vested with the power of summoning and examining putwarries, gomashtahs, or other persons by whom the accounts of the village or muhal may be kept, in the same manner and with the same powers as is provided for officers deputed under Section 25, Regulation XII. 1817. Furthermore, in case the Collector or other officer may so prescribe, the said tehseeldar, or other person, shall be empowered to make a measurement of the village or muhal, into which they may be deputed, and to summon any mocuddums, pudhans, ryots or other residents, and to call upon them to point out the boundaries of such village or muhal, and to furnish information as to all matters relating to the land and the rights and interest attaching thereto: and any person contumaciously withholding information from an officer deputed as aforesaid, shall be liable, on the same being established to the Collector's satisfaction, to the same penalty as is prescribed for putwarries refusing to attend or give evidence.—*Reg.* VII. 1822, *Sect.* 24, *Cl.* 1.

50. The Collectors shall transmit to the Boards such periodical reports of the causes decided by, or depending before them, as the Boards may direct, and the Boards will also furnish to Government such abstracts of those reports, and such reports in the cases received and determined by them in appeal, as the Governor General in Council shall from time to time require.—*Reg.* VII. 1822, *Sect.* 32.

Periodical reports to be furnished by Collectors to Boards.

SECT. IV.

Institution of a Regular instead of a Summary Suit.

51. All persons having claims or complaints to prefer of the nature of those made cognizable by Collectors under the provisions of this Regulation, and not wishing to avail themselves of the summary process authorized in that Court, shall be at liberty to institute their claims or complaints in the first instance by a regular suit before the local Moonsiff, or in the Zillah or City Adawlut, or Provincial Court of the division, according as the suit may be cognizable in these Courts respectively, under the general Regulations for the administration of civil justice.—*Reg.* VII. 1822, *Sect.* 30.

Parties having claims cognizable by Collectors, and not wishing a summary trial, may in the first instance bring a regular action in the Adawlut.

SECT. V.

Rules and Forms of Trial.

52. In summary suits for rents and the like, wherein special rules have been prescribed for regulating the process of the Courts, the Collectors shall be guided by the same rules, and shall exercise the same powers and authority as are or may be lawfully exercised by the Zillah and City Judges. In other cases falling under their cognizance, according to the provisions of this Regulation, the ordinary process for securing the attendance of the defendant or party otherwise impleaded, shall be to issue a notice reciting the matter, and requiring the defendant or other party to attend in person or by representative, at such time and place as may be made choice of by the Collector for conducting the investigation: should any party fail to attend after being served with a notice of the above description, or should the return of the nazir or person employed to serve the notice be that after diligent search the party or parties cannot be found, proclamation shall be made in writing to be stuck

Collectors by what rules of practice to be guided, and what processes to issue.

up at or near the ordinary residence of the party, stating that after fifteen days from the date of publishing the same, the case will be liable to be brought up for trial and judgment, and any party implicated who, having been served with the notice above described, shall fail to attend, or who shall continue to absent himself, will be as much bound by the judgment that may be passed, as if he or they had been in attendance to plead. —*Reg.* VII. 1822, *Sect.* 21.

Sections 18 and 19, Regulation VIII. 1819, extended and declared applicable to cases tried by Collectors under this Regulation.

53. Sections 18 and 19, Regulation VIII. 1819, are hereby extended to all the provinces immediately subject to the Presidency of Fort William, and the Provisions of the said sections shall be applicable to the proceedings of Collectors held under this Regulation ;—Provided however, that whenever it shall be desired to apprehend a defaulter residing out of the jurisdiction of the Collector by whom the suit relative to the alleged arrear may be cognizable, the process of arrest shall be served through the Judge of the district where the alleged defaulter may reside.—*Reg.* VII. 1822, *Sect.* 22.

Collector's Cutcherry shall be held a Court of Civil Judicature: and his decisions shall be deemed to be judicial awards.

54. It is hereby declared and enacted, that in so far as concerns the summoning and examination of witnesses, the penalties for false testimony, for resistance of process, contempts, and all other similar matters, connected with cases under cognizance before the Collectors of land revenue, or other officer, by virtue of the powers vested in them by this Regulation, or any other Regulation, whereby Collectors are vested with judicial powers, their cutcherry or office for the time being shall be deemed and held to be a Court of Civil Judicature.—*Reg.* VII. 1822, *Sect.* 23, *Cl.* 1.

Parties in suits tried by Collectors may employ any vakeels or agents they think proper.

55. It shall be competent to the parties in all suits the cognizance of which is hereby vested in the Collectors of Revenue, to employ any agent, vakeel or representative, whom they may think proper to appoint, to act and plead in their behalves, provided such agent, vakeel, or representative, be duly empowered by the parties. The rate of remuneration to such agent or vakeel shall be left to be adjusted between himself and his constituent, but no greater sum shall be awarded on this account for costs payable by the party against whom the judgment may be passed, than what may be deemed by the Collector a fair equivalent for the attendance of such agent.—*Reg.* VII. 1822, *Sect.* 25.

What pleadings be required.

56. No other pleadings shall be required from the parties in

such suits, than a plaint and answer, provided that if the parties should, at any time, wish to file an amended plaint, or an amended answer, or any explanatory motion, such subsidiary pleadings shall be received.—*Reg.* VII. 1822, *Sect.* 26.

Stampt paper to be used.

57. The mooktarnamahs or vakalutnamahs, and the pleadings and final decree in such suits, shall be written on stampt paper of the value of eight annas, whatever may be the amount of the suit, and no fees shall be taken on exhibits tendered in the cause, or for the witnesses required by the parties; nor shall it be necessary for the parties to present a written motion on stampt paper for the filing of such exhibits, or for the summoning of such witnesses.—*Reg.* VII. 1822, *Sect.* 27.

Collectors may try and determine suits in any part of their districts.

58. It shall be competent to the Collectors to hear and determine such suits in whatever part of the district they may occasionally be or reside, provided that every hearing and decision be in public cutcherry, or in some other place open to the public, and in the presence of the parties or of their constituted agents or vakeels, if in attendance.—*Reg.* VII. 1822, *Sect.* 28.

Collectors authorized to summon witnesses and require production of accounts.

59. It shall be competent to Collectors when prosecuting the above enquiries, or hearing and trying the above suits or otherwise, when authorized in that behalf by the Board to which they may be subordinate, to require all sudder malgoozars and other persons owing, occupying, managing or cultivating any lands within or in the vicinity of the muhal to which their enquiries may extend, or gathering or disposing of the produce thereof, or collecting, enjoying or appropriating any rent or revenue derived therefrom, as well as the gomashtahs or other agents employed by such persons in the management or cultivation of the land, or in the collection of the rent, produce or revenue thereof, to attend and produce all accounts or other papers which they may respectively possess relative to such lands, produce, rent or revenue, and to examine the said persons on oath, or Hulufnamah, to the truth of the accounts produced, or on any other matter relating to such accounts, or regarding the lands, produce, rent or revenue of the muhal, or the rights and interests attaching to such lands, produce, rent or revenue: Provided however, that no person shall be compelled to answer an oath or solemn declaration, any interrogation regarding matters wherein he may have an immediate personal interest in concealing the truth, or in uttering what is false, not being an interest arising out of fear, favour or reward,

To examine on oath, or Hulufnamah.

Proviso that persons shall not be examined on oath on questions immediately touch their own interests.

or any corrupt bargain or agreement with another party.—*Reg.* VII. 1822, *Sect.* 19, *Cl.* 1.

Rules of Regulation II. 1819, applicable to processes issued by Collectors under this Regulation.

60. The rules contained in Section 11, Regulation II. 1819, relative to the mode of serving process on persons who may be required to attend and produce accounts under the provisions of that Regulation, shall be and be held applicable to processes issued by Collectors or other officers under the rules contained in this Regulation. In like manner the provisions of Section 12, of the said Regulation shall be applicable to all putwarries, gomashtahs, or other persons, by whom the accounts of any lands regarding which the said enquiries may have been instituted, may be kept, and who after being duly summoned as aforesaid, may neglect or omit to produce any of the accounts required from, or to give their evidence regarding them, or who may deliberately give a false deposition on oath or solemn declaration when summoned and examined as aforesaid, or who may alter, fabricate, falsify or mutilate the accounts which they may be required to produce: Provided further that Collectors and other officers employed in the settlement of the land revenue, or in any of the enquiries specified in this Regulation, shall be vested with all the powers and authority which are or may be lawfully exercised by Collectors in cases depending before them under Regulation II. 1819, and the rules contained in Clause 3, Sections 13, 14, and 19, of the said Regulation, shall be and be held applicable to all persons who may be summoned by any Collector or other officer aforesaid, or who may resist the process of a Collector issued under the rules of this Regulation, or who may refuse to take an oath or subscribe a solemn declaration when required, or who may deliberately give a false deposition on oath, or under a solemn declaration taken instead of an oath; or may cause or procure another to do so.—*Reg.* VII. 1822, *Sect.* 19, *Cl.* 2.

Also to putwarries and others summoned or examined in cases cognizable under this Regulation.

And to all other persons upon whom process may be issued.

Stampt paper for proceedings in cases originating with a Collector declared to be unnecessary.

Witnesses to be awarded all reasonable charges which as well as costs are to be levied by the process in force for the recovery of arrears of revenue.

61. It shall not be necessary to use stampt paper, for the proceedings held, or exhibits filed before the revenue authorities in cases originating with a Collector, or other officer of Government claiming to assess land held free of assessment. But the said authorities are authorized in the said cases, as in all other cases wherein they may exercise judicial powers under the provisions of the existing Regulations, to award to witnesses their reasonable charges and to levy the same, as well as all costs adjudged by them, by the process in force for the reco-

very of arrears of the Government Revenue.—*Reg.* IX. 1825, *Sect.* 5, *Cl.* 10.

Resistance or obstruction of the process or order of a Collector, how punishable.

62. Provided also, that any person who may, by force or threats, obstruct or resist the execution of any legal process, requisition or order of a Collector or other revenue officer, shall, in addition to the penalties prescribed by the existing Regulations for such act, be liable to a fine not exceeding two hundred rupees, or to imprisonment in the Dewanny jail for a period not exceeding two months; the said fine or other penalty to be adjudged by the Collector after proceeding duly held and recorded, and the sentence to be immediately reported to the Board to which he may be subject.—*Reg.* VII. 1822, *Sect.* 24, *Cl.* 2.

Police officers to aid and support the execution of process and orders of Collector.

63. Provided further, that all police officers shall aid and support the execution of all process and orders issued by a Collector or other officer aforesaid, on the responsibility of the officer issuing or executing the same; and if any affray or breach of the peace shall occur in consequence of any resistance or obstruction being made or attempted to be made to the legal process or order of a Collector or other revenue officer, the parties resisting or obstructing such process or order, shall be punishable for the affray or breach of the peace, and the revenue officers shall not be liable to any criminal prosecution on that account.—*Reg.* VII. 1822, *Sect.* 24, *Cl.* 3.

SECT. VI.

Execution of Awards.

Collectors authorized to execute awards made by them.

64. Collectors of the land revenue are hereby empowered to execute all awards made by them under the rules of this Regulation, in cases wherein a specific sum of money shall be adjudged to be due, or any costs or damages be awarded, the Collector decreeing the same shall proceed to levy the amount for the party in whose favor it may be adjudged by the process in use for the recovery of arrears of the Government revenue: —Provided however, that he shall not sell any lands, houses, or other real property in satisfaction of any judgment passed in favor of any individual, on a summary enquiry. In cases wherein possession of lands, houses, watercourses or the like may be adjudged, it may and shall be lawful for the Collector making the award, to deliver over possession in the same man-

ner and with the same powers in regard to all contempts, resistance, and the like, as are or may be lawfully exercised by the courts in giving possession to an auction purchaser; and the Zillah or City Adawluts shall support the Collectors in the exercise of the above power, and shall give effect to any orders passed by them in pursuance of it, in the like manner as if the same had been passed by themselves. Collectors are further hereby empowered to place one or more peons, mirdahs, suwars, or the like, to aid in the maintenance of possession for the party to whom it may be awarded, in case of his deeming such a measure necessary or expedient.—*Reg.* VII. 1822, *Sect.* 23, *Cl.* 3.

SECT. VII.

Appeals to the Commissioner.

Decisions how appealable to Boards.

65. The decisions of the Collectors on all such suits shall be appealable to the Board of Revenue* or other authority exercising the powers of that Board. The petition of appeal shall be presented either to the Collector or to the Board, at the option of the party, and shall be written on stampt paper of the value of two Rupees, but no petition of appeal shall be received after the expiration of three months from the date of the decision, unless sufficient cause shall be shewn for the delay to the satisfaction of the Board. Provided also that the Board shall not be required in ordinary cases to go into a regular investigation of the merits, but shall be authorized to dismiss the appeal without further investigation, in all cases in which, on a consideration of the final roobukaree of the Collector, they may not see ground to consider the decision of that officer to be unjust, erroneous or doubtful, or his proceedings in the case irregular or imperfect: Provided also that in all cases in which the Collector may dismiss the suit for non-attendance, or on some other ground of default, without an investigation of the merits of the case, it shall be competent to the Board to direct a new trial, and in cases in which he may neglect or delay the investigation or decision of a suit without sufficient cause, it shall be com-

Board how to proceed on such appeals.

In what cases Board may direct a new trial or interpose to correct neglect or delay.

* Since the publication of Reg. I. of 1829, the appeal is to be made in the first instance to the Revenue Commissioner.

petent to the Board to interfere and to cause the Collector to proceed upon the enquiry into, and determination of it.—*Reg.* VII. 1822, *Sect.* 29, *Cl.* 1.

What pleadings to be required in appeals to Boards.

66. No pleadings except the petition of appeal shall be required in such appeals, nor shall any fees be taken by the Board on the exhibits originally filed, or on any further documents which the Board may think it necessary to call for.—*Reg.* VII. 1822, *Sect.* 29, *Cl.* 2.

67. If the parties choose to employ in the pleading of such appeals the same agents or vakeels who were previously employed by them in the original suit, no further mooktarnamah or vakalutnamah shall be required of them.—*Reg.* VII. 1822, *Sect.* 29, *Cl.* 3.

Respondents to receive notice, but not to be required to appear.

68. The respondent shall receive notice of the appeal, but shall not be compelled to appear in person or by vakeel, and the appeal shall be decided on the merits of the case, notwithstanding his absence, in the same manner as if he had attended. —*Reg.* VII. 1822, *Sect.* 29, *Cl.* 4.

Board's decision to be final as to the result of summary enquiry.

69. The decision of the Board shall be final in as far as concerns the result of the summary enquiry of the Collector, and shall be rendered in a Persian roobukaree written on stamp paper of the value of two rupees.—*Reg.* VII. 1822, *Sect.* 29, *Cl.* 5.

SECT. VIII.

Reference to Arbitration.

Collectors authorized to refer certain cases to arbitration.

70. It shall be competent to Collectors or other officers exercising the powers of Collectors to refer to arbitration any disputes cognizable by them under the provisions of this Regulation, as well as any questions or disputes of any kind respecting land or the tenures therein, or the rights dependent thereon that may come before them—provided the parties consent to that mode of adjustment, and on award being made, to cause the same to be executed. In referring cases to arbitration under the above provision, and in their general proceedings relative to such suits, the Collector shall be guided by the rules contained in Regulation XVI. 1793, and the other corresponding enactments, and in Regulation VI. 1813, in so far as the same may be applicable, and shall be competent to vest in the arbitrators the same powers and authority in regard to the summon-

ing and examination of witnesses, and the administration of oaths, and to enforce the orders passed by the arbitrators under such powers, in the same manner as the Courts of Judicature are empowered to do; and all awards made on such references shall, when confirmed by the Collector, have the same force and validity as a regular decree of the Adawlut, and shall not be liable to be reversed or altered, unless the award shall be open to impeachment on the ground of corruption or gross partiality, or shall extend beyond the authority given by the submission of the parties, and such ground of impeachment shall be established in a regular suit in the Zillah, City or other superior Court, wherein the case may be cognizable.—*Reg.* VII. 1822, *Sect.* 33, *Cl.* 1.

Force of awards passed on such reference.

Matter of arbitrament to be distinctly specified in Collector's proceedings.

71. In referring any dispute to arbitration, the Collector shall be careful to specify in his proceedings, and in the deed of arbitration, to be executed by the parties, the precise matter submitted to the arbitrators, and if the award first made by the arbitrators shall not include all the points submitted to them, or shall be otherwise incomplete, it shall be competent to the Collector again to refer the matter to them with directions to perfect their award.—*Reg.* VII. 1822, *Sect.* 33, *Cl.* 2.

Canoongoes and tehseeldars may be employed as arbiters.

72. The pergunnah canoongoes and tehseeldars may be appointed arbitrators in any case referred to arbitration under the above rules; any thing in the existing Regulations notwithstanding.—*Reg.* VII. 1822, *Sect.* 33, *Cl.* 3.

Declaration in addition to Section 33, Regulation VII. 1822, that it shall be lawful for a Collector, or other Officer employed in making Settlements under Regulation VII. 1822, to fix under the instructions of the Superior Revenue Authorities, a period within which the parties to a judicial question pending before him, and referred to arbitration must produce the award.

73. In addition to Section 33, Regulation VII. of 1822, it is hereby enacted, that whenever any judicial question may be depending before a Collector, or other officer employed in making settlements under the provisions of Regulation VII. of 1822, in which the interests of justice may, in the opinion of such officer, require that the case be decided by arbitration, it shall be lawful for him to fix, under the instructions with which he may be furnished by the Superior Revenue Authorities, a period within which the parties must produce the award.—*Reg.* IX. 1833, *Sect.* 5.

If the parties refuse or neglect to produce the award within the term fixed, the Collector or other Officer may summon a Punchayat for the trial of the matter—Punchayat how to be composed.

74. In that case, if the parties shall refuse or neglect to produce such award within the term limited, it shall be lawful for the Collector, or other officer, to summon a Punchayut, to be composed of three or five impartial and otherwise competent persons, of good repute, for the trial of the matter at issue.——*Reg.* IX. 1833, *Sect.* 6.

75. After duly considering the statements and evidence offered by the parties, or in case of the default or recusance of either the statements and evidence produced by the party in attendance, the Punchayut shall declare their opinions, and judgment shall be recorded according to the sentence of the majority. The Superior Revenue Authorities will, from time to time, issue such rules of practice for the guidance of the officers employed on this duty, or the Punchayuts, as he may consider necessary.—*Reg.* IX. 1833, *Sect.* 7.

Punchayuts so summoned how to proceed to a decision. The Superior Revenue Authorities to issue rules of practice for the guidance of the Collector or other Officer as above, or of the Punchayuts.

76. No appeal shall be allowed from such decisions, which shall be immediately executed and maintained, unless the Commissioner, subject to the control of the Sudder Board of Revenue, should think proper, for any special reason, to direct that the case shall be submitted to another Punchayut for decision. —*Reg.* IX. 1833, *Sect.* 8.

What appeal to lie from the decisions of such Punchayuts.

77. Any suit brought before any Court of Justice to set aside a decision made in conformity with the above rules shall be non-suited with costs.—*Reg.* IX. 1833, *Sect.* 9.

Suits brought in any Court of Justice to set aside decisions under the above rules, to be non-suited with costs.

78. In like manner any suit brought before any Court of Justice against the arbitrators, collectively or individually, appointed in conformity with the rules prescribed, to recover from them the value of the property lost by the decision founded on their award, shall be non-suited with costs.—*Reg.* IX. 1833, *Sect.* 10.

In like manner suits against the arbitrators, collectively or individually, appointed under those Rules, to recover the value of the property lost under their award, to be non-suited with costs.

SECT. IX.

Disputes for Possession.

79. When a Collector or other officer exercising any of the powers vested in Collectors by the rules of this Regulation, relative to complaints of dispossession or disturbance of the possession of lands or premises, shall learn either by a reference from the Magistrate or by a report from any other public officer or otherwise, that any disputes exist within the tract placed under his jurisdiction relative to any lands, premises, crops, orchards, pasture grounds, fisheries, wells, watercourses, tanks, reservoirs or the like, likely to terminate in a breach of the peace, it shall and may be lawful for the Collector or other officer aforesaid, to require the contending parties to attend in person or by representative at a stated time and place, and after investigating the case in the presence of the parties or their

Collectors in what cases to interfere of their own motion in cases of disputed possession.

representatives, or such of them as may attend, or referring it to arbitration as above prescribed, to decide the case in the same manner as if it had been brought before him by the complaint of one of the parties: Provided also, that if the fact of previous lawful possession cannot be ascertained, it shall be competent to the Collector, subject to the orders and direction of the Board, to decide on the question of right, and to give possession to one of the contending parties, leaving the other party to contest the decision by a regular suit in court. But no such decision shall be passed by any Collector, until he shall have instituted a careful enquiry into the fact of possession, and the Board shall be careful to see that this restriction is observed: Provided further, that in such cases it shall be competent to the Collector to attach the disputed lands, premises, &c. as aforesaid, and to appoint an officer to the management of the same, retaining in deposit the rents and produce, or such portion thereof, as may remain after discharging any public revenue demandable therefrom with the charges of management, until one of the contending parties shall be placed in possession.—*Reg.* VII. 1822, *Sect.* 34, *Cl.* 1.

And to give possession to one of the contending parties.

Collector may attach disputed lands, &c.

80. Whenever any Magistrates or Joint Magistrates shall have before them any suit, complaint or information relative to any dispute regarding lands, premises, crops, watercourses or the like, which may appear likely to terminate in a breach of the peace, or which it may otherwise be desirable to bring to an immediate decision, it shall be the duty of such Magistrate or Joint Magistrate in cases in which the Collector shall be vested with the cognizance of such actions, to certify the case to that officer, and the Collector will then forthwith proceed to investigate and determine the case under the rules above prescribed. Provided also, that in all cases of forcible dispossession, or forcible disturbance of possession, the Collector shall invariably transmit to the Magistrate or Joint Magistrate a copy of the first proceeding held by him in the case, and also a copy of the roobukaree containing his final award.—*Reg.* VII. 1822, *Sect.* 34, *Cl.* 2.

Magistrates and Joint Magistrates in what cases to refer disputes to Collector.

81. The Collector shall in all such cases use every proper means for inducing the parties to refer their disputes to arbitration, in like manner as the Dewanny Courts are directed to do. —*Reg.* VII. 1822, *Sect.* 34, *Cl.* 3.

Collector to encourage arbitration.

82. If any person shall complain to a Collector or other of-

In what cases

ficer making or revising the settlement of any muhal, that he has been wrongfully dispossessed from any lands, premises, crops, orchards, pasture grounds, fisheries, wells, water-courses, tanks, reservoirs, or the like, within such muhal, or of the rents, produce or profits of such lands, premises, &c. the like as aforesaid, or that he has been wrongfully disturbed in the possession thereof, it shall be competent to the Collector or other officer aforesaid, to enquire into the matter, and if the party so complaining shall appear to have been in possession in the year preceding that in which the complaint is brought, and there shall otherwise be reason to believe, that he has been violently or wrongfully dispossessed or disturbed, it shall be competent to the Collector to restore or confirm him, recording the grounds of his determination in a roobukaree, and the opposite party shall in such case be left to bring a regular suit in court to try the question of right. In like manner should a Collector or other officer as aforesaid find, that there exist in any muhal of which he may be making or revising the settlement, any disputes relative to the possession of lands, premises or the like, which it may be expedient to adjust, it shall be competent to the Collector or other officer aforesaid to pass a decision determining the point of possession, leaving the question of right, if further disputed, to be settled by the result of a regular suit in the Adawlut.—*Reg.* VII. 1822, *Sect.* 14, *Cl.* 4.

Collectors to take cognizance of complaints of wrongful dispossession.

Subject to an appeal to the Adawlut.

83. The above provisions shall be held to apply to all cases in which a zemindar or under-tenant, whether farmer or ryot, having by special deed or prescriptive title, a right of occupancy, shall have been wrongfully ousted from the occupancy of lands held and cultivated by him in the preceding year, or in which the rents and profits of any land which were received by such dispossessed party in the preceding year, shall be withheld from him, without a legal award or a voluntary act of the party involving the transfer, renunciation or relinquishment of such rents and profits. But the above rule shall not apply to any case in which the complaining party may have executed any deed, purporting to be a relinquishment of possession, unless it shall have been established by some judicial proceeding, that such deed was extorted by force and terror, nor to any cases wherein the complainant shall have in any way lost or relinquished possession previously to the commence-

The above provisions to what cases to apply.

To what cases the rule shall not apply.

ment of the year preceding that in which the complaint may be preferred.—*Reg.* VII. 1822, *Sect.* 14, *Cl.* 5.

SECT. X.

Regular Suits to set aside Summary Suits.

But decision of Board and Collector may be contested by regular suit in Adawlut.

84. Any person however dissatisfied with the summary judgment of the Collector or the Board, and desirous of a more full and formal decision, shall be at liberty to prefer a regular suit to try the merits of the case in the Zillah or other similar or superior Court in which it may be cognizable. In such cases the summary judgment of the Collector, if not reversed or staid by the Board, shall be carried into effect, notwithstanding the institution of the regular suit.—*Reg.* VII. 1822, *Sect.* 29, *Cl.* 6.

85. Provided also, that the regular suits which may be brought to contest decisions passed by Collectors, under the powers vested in them by Sections 11, 12, 14, 15, 16, 17, 18, 19, and 20, shall be of the nature of an appeal to Court in its regular jurisdiction from a summary award. It shall not therefore be necessary for the Collector or other officer of Government to be a party in the action.—*Reg.* VII. 1822, *Sect.* 23, *Cl.* 2.

On appeal to a Court against the decision of a Collector, the proceedings held by that officer shall be called for and filed in the case.

86. Whenever a regular suit may be instituted in a Civil Court, with a view to set aside or alter a summary judgment passed by a Collector, the proceedings held on the summary enquiry shall be called for by precept from the Court, and filed on the record of the case.—*Reg.* VII. 1822, *Sect.* 31, *Cl.* 1.

No such appeal cognizable by, or referrible to any register, ameen or moonsiff.

87. Provided also, that no such suit shall be cognizable by, or referrible to any register, sudder ameen or moonsiff, and all registers, sudder ameens and moonsiffs, shall in cases tried by them be held and bound by the decisions passed, and records prepared, by Collectors or other revenue officers under the provisions of this Regulation, unless the same shall have been rescinded or altered by the Board, or by the Zillah or other similar or superior Court on a regular suit.—*Reg.* VII. 1822, *Sect.* 31, *Cl.* 2.

CHAPTER VIII.

REALIZATION OF THE REVENUE AND SALE OF LANDS FOR ARREARS.

SECT. I.

General Rules.

Proprietors and farmers of land to pay the kist of each month on or before the 1st of the following month without waiting for its being demanded.

1. Every proprietor of land (which designation whenever it occurs in any regulation is to be considered to include zemindars, independent talookdars, and all actual proprietors of land who pay the revenue assessed upon their estates immediately to Government) and farmer of land, is to cause the whole of the instalment for each month to be paid into the treasury of the Collector of the zillah, or to the tehseeldar, or other officer who may be appointed to receive the public revenue assessed on his estate or farm, on or before the first day of the following month, without waiting for the amount being demanded by the Collector, or the tehseeldar, or other officer.—*Reg.* III. 1794, *Sect.* 2.

What is to be considered an arrear of revenue.

2. If the whole, or a portion, of the kist or instalment payable in any month, by a proprietor or farmer of land, shall remain undischarged on the first of the following month, the sum so remaining unpaid, is to be considered an arrear of revenue. —*Reg.* XIV. 1793, *Sect.* 2.

Further provisions rescinded.

3. Regulation XII. 1796, and Regulation V. 1800, in so far as the same are applicable to public sales for the recovery of arrears of revenue, together with such parts of Sections 3, 24, and 25, Regulation XIV. 1793, Sections 7, and 31, Regulation VI. 1795, Section 23, Regulation VII. 1799, Section 31, Regulation XXVII. 1803, and of any other of the Regulations in force which *prescribe*,* or shall be construed to prescribe, that the Revenue Officer shall issue any Tullub Chittee, Dustuk or

* As this enactment is understood by the Revenue Authorities not absolutely to preclude the Collector's having recourse to the former process of demand and attachment for the realization of the public revenue, the rules for demanding arrears and attaching estates are likewise given, in the 12th and subsequent sections of this chapter.

other process of demand on persons from whom arrears of revenue, or other demands similarly recoverable, may be due, or that they shall attach the estates or farms in the possession, or management of such defaulters, before bringing their property to a public sale, as well as such part of the above mentioned and any other Regulations which restrict, or can be construed to restrict, the powers of the Revenue officers in selecting lands for sale on account of arrears of public revenue, or the period of sale, and which may not be re-enacted by this Regulation, are hereby rescinded.—*Reg.* XI. 1822, *Sect.* 2, *Cl.* 2.

Declaration as to the liability of lands to public sale for arrears of revenue.

4. The Regulations of Government having made the estates of proprietors under engagements with Government primarily answerable by public sale for any arrear in the monthly payments of the revenue, as defined in Section 2, Regulation III. 1794, and in the corresponding enactments of the Regulations applicable to Benares, and to the Ceded and Conquered Provinces, and the property of all persons under stipulations with Government, whether as proprietors for their own estates, or as farmers or managers, and their sureties, being likewise answerable for such arrears, it is hereby declared and provided, that the Collectors of land revenue shall, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, be entitled to have recourse to this process for the realization of any arrear, or interest thereon, or other revenue demand that may be due from parties so under engagements, whether any other revenue process shall, or shall not have been issued, and at any time of the year when the same may be unpaid, subject only to such rules and restrictions as are specifically prescribed in this, or any other Regulation.—*Reg.* XI. 1822, *Sect.* 3, *Cl.* 1.

Estates while under Court of Wards not liable to sale.

5. Estates under the superintendence of a Court of Wards, shall not be liable to sale for arrears accruing during the period they may be so managed.—*Reg.* XI. 1822, *Sect.* 3, *Cl.* 2.

Joint estates and estates under attachment, only to be sold at the end of the year.

6. Joint estates shall not be liable to sale for arrears that may accrue during the progress of a butwarrá or partition, until the expiration of the year within which the arrear may become due. In like manner, estates under attachment by order of the courts of justice, shall not be liable for sale in the middle of the year, for arrears accruing during the period of such attachment.—*Reg.* XI. 1822, *Sect.* 3, *Cl.* 3.

The term defaul-

7. The term defaulter, wherever used in this Regulation,

shall be deemed and considered to designate the person or persons with or on account of whom the settlement of the land revenue may have been concluded with Government, or the heirs, successors or assignees of such person or persons, in possession of the interest acquired or confirmed by such settlement: And it shall not be construed, to include those proprietors, putteedars, village zemindars, or the like, who at the time of the settlement held distinct properties, though paying their revenue through the recorded malgoozar, save and except in so far as those persons may be expressly declared responsible to Government.—*Reg.* XI. 1822, *Sect.* 16.

ter explained, to mean the person with whom settlement has been made by Government, or his representatives.

SECT. II.

Rules for the Sale of Land in Arrears.

8. The transmission of sale advertisements by the Collector, for the previous sanction of the local Commissioner of Revenue shall, for the future, be dispensed with.—*Reg.* VII. 1830, *Sect.* 3.

Transmission of sale advertisements dispensed with.

9. Collectors shall in future be at liberty to advertise estates in balance for sale, and proceed to actual sale without any previous reference for the sanction of the local Commissioner, provided always that no sale shall be final, until confirmed by the local Commissioner, or in cases of appeal by the Sudder Board of Revenue.—*Reg.* VII. 1830, *Sect.* 4.

Collectors may proceed to sale without sanction, but sale not final until after confirmation.

10. A general advertisement shall be published not less than thirty days prior to the day of sale, in some conspicuous part of the Collector's cutcherry, or place of office for the time being, and a copy shall be sent to the Judge or other person in charge of the adawlut of the district, in which the lands or some part of them may happen to lie; who shall, on receipt of it, cause it to be similarly exposed in open court for general information. The notice prescribed by Clause Second, Section 7, Regulation XI. 1822, shall be sent by a single peon to be published in the cutcherry of the moonsiff, or the police thannah of the division, in which the lands advertised, or some part of them may be situated; and the peon having caused the notice to be promulgated as fully and openly as possible in the manner above directed, shall take a receipt from the officer at whose station the publication may have been made.—*Reg.* VII. 1830, *Sect.* 5.

Notice of sale prescribed by Clause second, Section 7, Regulation XI. 1822, how to be issued and published.

Notice of sale what to contain, and how to be issued.

11. Every notice of the sale of lands for arrears shall, in case the lands be situated in Bengal or Orissa, exclusive of Cuttack, be written in the Persian and Bengalee languages; if in Cuttack, in Persian and Ooreea; and if in any of the other Provinces, in Persian and Nagree. The aforesaid notice shall contain a statement of the demand on account of which the sale is to be made, and a specification of the estate or muhal to be sold, and of the jumma assessed on it, as well as of the day and place of sale.—*Reg.* XI. 1822, *Sect.* 7, *Cl.* 2.

Estates to be invariably advertised at the expiration of one month from date of arrear, and sale to take place in one month from the date of advertisement unless postponed by the Collector.

12. All estates in balance, saving cases specially excepted by order of a Commissioner, or of the Sudder Board, shall, by an invariable rule, be advertised for sale at the expiration of one month, from the date of the arrear becoming due, and the sale shall, in like manner, take place one month after the date of the advertisement: the Collector having power, as now, to postpone the sale of any particular estate, from time to time, as circumstances may require.—*Reg.* VII. 1830, *Sect.* 6.

Sales for arrears of revenue, to be made by revenue officers.

And not to be annulled except on ground specified.

13. Sales of land for arrears of revenue shall be made under the following rules by the Collectors of revenue, or other officers authorized in that behalf by Government, and no sale made in conformity with the said rules, and duly confirmed by the superior revenue authorities, shall be liable to be annulled, set aside, or altered by any Court of Judicature, on account of any error or irregularity in the previous process used for the recovery of the arrear claimed, or on account of any error, irregularity, or omission whatsoever, not involving the failure of one of the conditions hereinafter specifically declared to be essential to the validity of public sales; but any person, who may consider himself aggrieved by any act, or circumstance connected with a sale not amounting to such failure, shall have his remedy in a personal action for damages against the individual by whom, or by whose fault he may have been endamaged.—*Reg.* XI. 1822, *Sect.* 4.

14. That the lands or muhal sold form the estate on account of which the arrear has accrued, or are parcel of such estate, and be liable to sale consistently with the principle and provisions declared and enacted in this Regulation; or, if not the estate or parcel of the estate as aforesaid, be the property of the defaulter or his surety, or being the property of such defaulter or surety, shall have been specially pledged to answer the demand in arrear.—*Reg.* XI. 1822, *Sect.* 5, *Cl.* 1.

15. That due notice of the demand and of the intention of the Collector to sell, as well as of the time and place of sale, shall have been given, as hereinafter provided.—*Reg.* XI. 1822, *Sect.* 5, *Cl.* 3.

16. That some part of the amount demanded in the notice, or of the interest payable thereupon, shall be due at the time of the lot being put up.—*Reg.* XI. 1822, *Sect.* 5, *Cl.* 4.

17. That the sale shall be made at the time and place stated in the advertisement, and with due publicity and freedom, as hereinafter specifically directed.—*Reg.* XI. 1822, *Sect.* 5, *Cl.* 5.

Further restrictions in regard to sale of lands may be exercised by Government and by Boards, and Government may annul sales at any time within three years, if made in contravention of such instructions.

18. Provided further, that it shall be competent to the Governor General in Council to impose on the Revenue Boards and subordinate revenue authorities, such further restrictions in regard to the sale of lands for arrears of revenue, as may from time to time appear necessary; and if any sale shall be made by any Collector or other officer in contravention of an order or instruction issued by Government, such sale, though not voidable under the provisions of Section 5, shall nevertheless be liable to be annulled by the Governor General in Council at any time within three years of the date of sale.—*Reg.* XI. 1822, *Sect.* 3, *Cl.* 4.

What publication sufficient for validity of sale.

19. No sale shall be liable to be annulled on the ground of any insufficiency of the notice given, provided it be satisfactorily proved, that the copy of the notice required to be sent to the Court for publication, was received by the Judge, or other person in charge of the Adawlut, for a period of thirty days prior to the date of sale, and provided there be sufficient evidence, that the notice directed to be sent into the Mofussil, was received by the parties, or by any manager, or agent on their part, or was published at a public cutcherry, after the manner provided, on a date prior to that on which the sale may have taken place, by not less than twenty days, or provided it be satisfactorily proved by other circumstances, or there be sufficient ground to presume, that the defaulter was fully aware of the demand being outstanding against the muhal, and of the intended sale, for a like period before the day of sale.—*Reg.* XI. 1822, *Sect.* 7, *Cl.* 4.

Course to be followed by the Collector, in case the registered proprietor of an estate or-

20. Provided however, that if any of the registered proprietors of an estate, which a Collector may propose to bring to sale for arrears of revenue, shall be entertained as a native of-

dered for sale be a Native officer, or soldier on the regular Military establishment of this Presidency.

fiber or soldier in the regular Military establishment of this Presidency, and shall have notified the circumstance to the Collector in the manner required by Clause 1, Section 9, Regulation XV. 1816,* it shall be the duty of the Collector to follow the course prescribed in that Section, before proceeding to the actual sale of the estate.—*Reg.* XI. 1822, *Sect.* 7, *Cl.* 5.

What notice required in cases of postponement.

21. In case of any sale being postponed, whether by orders of the Board of Revenue, or of any other authority exercising the powers of that Board, or in consequence of the Collector's seeing reason to put off the sale to a subsequent date, the Collector shall, on or before the day originally fixed for the sale, stick up in his own cutcherry an advertisement notifying the postponement, and the date on which the postponed sale is to take place, and shall transmit a counterpart to the Judge of the district, who shall cause it to be similarly published at his Court House. This rule shall not however, apply to cases in which any sale may have been postponed in consequence of any alteration in the lands advertised for sale, or of the jumma assessed thereon, or of the place of sale, in which case, a fresh lotbundee and advertisement will be necessary, as above provided.—*Reg.* XI. 1822, *Sect.* 8, *Cl.* 1.

In what case fresh advertisement to be issued.

What notice to be given in case of adjournment.

22. If after the day appointed for the sale shall have arrived, and the assembly shall have been convened, the Collector shall publicly adjourn the meeting, or put off the sale of any estate from day to day, either on account of illness, or because of the day's having closed, or from the press of other business, or as an indulgence to, or at the request of the defaulters, or any of them, or for any other cause, which he may deem good and sufficient in any such case, it shall be the duty of the Collector to cause a notification of the circumstance to be inscribed in the original advertisement made in his cutcherry, over against the name of the estate or estates, of which the sale may be put off. Provided however, that if such adjournment shall take place after the bidding for any lot shall have begun, and before the lot is knocked down, the Collector shall hold a proceeding recording the last offer, and the name of the bidder; and if he resume the sale, at the adjourned meeting, he shall again put up the lot at the price so offered, unless the bidder

Proviso for cases in which the bidding may have commenced.

* The Rules regarding the lands of native officers and soldiers, will be found in a subsequent section of this chapter.

shall have formally retracted his bid, or having been thrice called, shall not be forthcoming.—*Reg.* XI. 1822, *Sect.* 8, *Cl.* 2.

Declaration as to the application of the above principles to past sales.

23. In regard to sales, which may have been made prior to the enactment of this Regulation, the decision of the Courts on the question of their validity, in so far as relates to the adequacy of the notice, which may have been served on the party, or otherwise issued, shall be guided by the principles stated in the Fourth Clause of the 7th Section of this Regulation, (19) that is to say, no sale shall be annulled by any of the said Courts on the plea of want of due notice, provided it can be proved, or there be sufficient reason to presume, that a notice of sale in any one of the languages prescribed by the Regulations, was served on the defaulter, or affixed or published in any part of the estate sold, one month prior to the date of actual sale, and that the purport of the notice was understood by the defaulter, his agents, or two or more of the residents of the place, who may have witnessed the publication. Provided further, that in cases in which any sale made previously to the enactment of this Regulation, may have been postponed from the day appointed by the advertisement to the next or ensuing day of public business, if the meeting was publicly adjourned, and the persons assembled were fully informed of the postponement of the sale, and attended accordingly in such number and manner as, that the second meeting may be fairly deemed to have been a continuance by adjournment of the first, such sale shall not be liable to be set aside as void or invalid, upon any plea that the notice, or notices required in cases of postponement were not duly served or published.—*Reg.* XI. 1822, *Sect.* 9.

Before sale, arrear to be ascertained.

24. Previously to putting up any estate to sale, it shall be the duty of the Collector, or other officer holding the sale, to satisfy himself that some part of the advertised arrear, or of the interest and charges due on account of it is still unpaid. If the defaulter or any one in his behalf shall deny the existence of an arrear, it shall still be competent to the Collector, or other officer to proceed with the sale, unless the sum demanded by him shall be paid in, or a tender made of Government Securities, or Notes of the Bank of Bengal, equivalent to the entire demand, and five per cent. in addition, to cover eventual charges, or unless a certificate be furnished under the seal and signature of the Judge of the district, shewing the amount to have been deposited in Court.—*Reg.* XI. 1822, *Sect.* 10, *Cl.* 1.

Provisions for sales held at the office of the Board.

*25. Provided however, that in cases of sales held at the office of the Secretary to the Board of Revenue, or other similar authority, no payment or deposit made in the zillah shall be deemed sufficient to stay or invalidate a sale, unless the same shall have been made at such a period before the date of sale, as to enable the Collector, or other officer receiving the same, to communicate the information to the Board by the ordinary dâk, or unless the party shall himself produce to the officer conducting the sale, a certificate of such payment, or deposit having been made under the seal and signature of the Collector or Judge of the district, before the lot is put up for sale.—*Reg.* XI. 1822, *Sect.* 10, *Cl.* 2.

Parties paying, or depositing amount demanded, may sue to recover.

Proviso.

26. Parties paying or depositing as above, the amount demanded from them, will of course be entitled to sue under the rule contained in Section 23, of this Regulation, provided they at the time deny the justness of the demand in writing, and proceed within the prescribed period: But after a sale shall have been made it shall not be liable to be annulled by any Court of Judicature, on the plea that no arrear was justly due, unless the said plea shall have been preferred to the Collector or the Board prior to the sale, or previously to its confirmation by the latter authority, or good and sufficient reason be shewn, why such denial could not be made. Provided also, that no claim to abatement or remission of revenue, unless the same shall have been allowed by the authority of Government, nor any private demand, or cause of action whatsoever, held or supposed to be held by a zemindar or other engager against Government, shall be allowed to bar, or in any way affect the right of Government and its officers, summarily to enforce the payment of the public revenue by the sale of the lands, or property of the person, so long as any part of the assessment for which such zemindar, or other person aforesaid may be liable, shall remain undischarged.—*Reg.* XI. 1822, *Sect.* 10, *Cl.* 3.

Declaration as to arrears accruing under attachment, or during dispossession.

27. All estates for which a settlement shall have been made, being liable for the Revenue assessed upon them to the extent of the interests possessed by the person or persons who may have engaged with Government, as ratified and confirmed by the act of settlement, and by those deriving title from such person or persons, unless otherwise especially provided, no sale shall be annulled on the plea that the arrear demanded accrued, while the engager or his representative was divested of posses-

sion and management of the estate sold by the act of an individual, or by the Collector or other officer acting under the order of a Court of Judicature, or attaching the estate by virtue of the powers vested in him by this, or any other Regulation. —*Reg.* XI. 1822, *Sect.* 11.

Sales not to be set aside on plea of wrongful disallowance, but defaulter, if aggrieved, may sue for damages.

28. No sale shall be liable to be reversed on account of any proceedings, or order of the Collector, or of the Board of Revenue, or other authority exercising the powers of that Board, touching the question of, whether a purchase is to be allowed or not; nor shall any action lie against Government on account of any such proceeding, or order.—*Reg.* XI. 1822, *Sect.* 17.

SECT. III.

Mode of conducting the Sale.

Sales to be made conformably with advertisement.

29. Sales shall be made at the place and time specified in the advertisement. If the sale shall have been advertised to take place at the Board of Revenue, or other authority exercising the powers of that Board, then it shall be held in the building or tent used as an office by the Board, or authority aforesaid, or in some convenient and public apartment, or other open and convenient place thereunto belonging, or adjoining, in the presence of the Secretary, or that of one of the Members of the Board, or other authority as aforesaid, or of a covenanted officer duly empowered by the same to hold the sale. If the sale shall have been appointed to take place in the zillah, then it shall be held in the presence of the Collector or other authorized covenanted Civil Servant in public cutcherry, that is to say, in some building or tent used as an office and open to the public, or other open and convenient place thereunto belonging or adjoining. Provided also, that in the morning of the day of sale, and whilst the sale shall be going on, the Collector or other officer shall cause a flag to be exhibited, or such other signal to be given at the door, or gateway of the office where the sale may be conducted, as the Board of Revenue may direct.—*Reg.* XI. 1822, *Sect.* 12.

By whom, and where to be made, if at Board.

And by whom, and when in zillah.

Every one's bid to be received.

But before concluding sale, Collector shall satisfy himself.

30. When the bidding shall have commenced, it shall be the duty of the Collector to receive the bid of every one without enquiry, but prior to knocking down the lot and concluding the sale, he shall call upon the person, who may have made the last offer, in order to satisfy himself on the following points:

That bidder can make required deposit.

First. That the bidder has the means of making the deposit hereafter directed to be taken.

That he is not a person forbidden to purchase.

Second. That he is not the defaulter, or an officer of his own establishment, or a person acting on behalf of either the defaulter or such officer.

That the ostensible purchaser is the real one.

Third. That the person or persons named, is or are the real bonâ fide purchaser or purchasers on their own account and risk.—*Reg.* XI. 1822, *Sect.* 13.

What deposit to be made by purchasers.

31. A deposit of 15 per cent. on the amount bid, or such other rate as the Board of Revenue, or other similar authority, may from time to time direct, shall be required by the Collector from the person in whose name any lot may be knocked down, immediately on declaring the sale concluded, or as soon after, as the Collector may think necessary.—*Reg.* XI. 1822, *Sect.* 14, *Cl.* 1.

If deposit not tendered when required, the lot to be again put up.

32. If the person who may have made the last offer shall not, when called upon, forthwith tender the prescribed deposit, the Collector shall be at liberty to reject the bid, and to put up the lot again at the amount of the next highest offer. The person who may have made such offer, shall have the benefit of his bid, and be held bound to maintain it, by tendering the required deposit, if no higher offer shall be made; and on his failure to do so, the Collector shall be competent to have recourse to the next highest bidder: provided however, that it shall at all times be competent to the Collector, at his discretion, to commence the sale of the estate de novo, instead of concluding the sale with the next highest bidder.—*Reg.* XI. 1822, *Sect.* 14, *Cl.* 2.

Persons failing to make deposit, how punishable.

33. Any person bidding at a public sale who upon being called upon to conclude his purchase and lodge the prescribed deposit, may be unable, or may refuse to do so, shall be deemed guilty of contempt, and the Collector shall be competent to impose a fine of an amount not exceeding 100 Rupees, for every such offence, and if the fine be not paid, to send the delinquent to the Judge of the district, who shall confine him in the civil jail, until the fine is paid, or for a period not exceeding fifteen days.—*Reg.* XI. 1822, *Sect.* 14, *Cl.* 3.

SECT. IV.

Of Purchases made for the Defaulter, or Benamee, or by Revenue Officers.

34. If at a public sale for arrears, the Collector shall see reason to believe, that the highest bidder, or person with whom he is about to conclude a sale, is purchasing for the defaulter, or has given in a fictitious name, concealing that of the true purchaser or purchasers, or has stated as the purchaser the name of a person other than the party or parties with whose money, at whose risk, and for whose benefit the purchase may have been made, or has concealed the name of any such party, it shall be competent to him to refuse to conclude the sale. In every such case however, he shall hold a proceeding in the Persian language, stating distinctly, the grounds of his belief, and the reason of his setting aside the individual, and disallowing his purchase: Provided also, that in such cases the party so bidding shall be liable to a fine equal in amount to the deposit, which would have been paid, had the sale been concluded, at the price bid, or to such other fine not exceeding that amount, as the Board may, on the report of the Collector, see fit to impose; all such fines adjudged by the Board, shall be recoverable by the process in use for the recovery of arrears of revenue from sudder farmers and their sureties.—*Reg.* XI. 1822, *Sect.* 15, *Cl.* 1.

In what cases Collector may refuse to conclude a sale with highest bidder.

Collector in such cases, to record the grounds of refusal.

Penalty for bidding by defaulter, or Benamee, if purchase be disallowed.

35. It shall be in the power of any person whose purchase may be disallowed, to appeal from the Collector's order to the Board of Revenue, or other authority exercising the powers of that Board, and provided he give in to the Collector a written protest, claiming the lot before the breaking up of the Cutcherry, or at the next sitting of the Collector, or transmit a petition to that effect to the Board within 24 hours of the conclusion of the sale, it shall be competent to the Board, or other authority aforesaid, to direct the sale to be concluded with the party disallowed, to the prejudice of any other purchaser at an inferior price.—*Reg.* XI. 1822, *Sect.* 15, *Cl.* 2.

Persons whose purchase is disallowed by Collector, may appeal to the Board.

36. Should the Collector or other person conducting the sale, either at the time of concluding the sale or at any subsequent time before the sale may have been confirmed by the Board of Revenue, or other authority exercising the powers of that Board, see reason to believe, that the real purchaser is a

Collector how to proceed in the case of purchase by Revenue officer.

person on his establishment; or in any way connected with the management of the collections of the zillah or pergunnah within which the lot sold may be situated, he shall nevertheless conclude the sale and realize the purchase money, having recourse, if necessary, to the process prescribed for the recovery of arrears due from sudder farmers or their sureties. It shall in such case be his duty to institute an immediate investigation, in order to bring the matter to proof, and the result of any proceedings that may be held upon such an investigation, shall be submitted to the Board of Revenue, or other authority aforesaid, who will determine whether the fact be established or otherwise. Should they consider it to be proved, that the real purchaser is an individual employed at the time on the Collector's establishment, or otherwise in the collection of the revenue of the local division within which the lot is situated, the Board, or other authority aforesaid, shall report the circumstances to the Governor General in Council, who will, if he deem it expedient, direct the lot to be attached, and held for Government, or to be resold or escheated, or otherwise disposed of at his pleasure. The amount of the purchase money shall in that case be credited to the defaulter in the same manner as if the sale stood good, and if the purchaser contest the fact of his being a person prohibited from purchasing, he shall have his remedy in an action at law, for the recovery of any amount he may have paid into the treasury, with interest and damages.—*Reg.* XI. 1822, *Sect.* 18, *Cl.* 1.

Governor General may confiscate.

Purchaser may contest by suit in Court.

Collector how to proceed, on discovery of Benamee purchase, before delivering possession.

37. If at any time after the conclusion of the sale and before the receipt of the Board's confirmation and the delivery of possession, the Collector shall see reason to believe, that the name or names given in at the time of sale was, or were other than the name or names of the real bonâ fide purchaser, or purchasers, he shall be competent to stay delivery of possession, and to institute an investigation to bring the matter to proof. On completion of the enquiry, he shall communicate the result to the Board of Revenue, or other authority exercising the powers of that Board, who shall be competent to annul the sale, and to direct the lot to be resold, and also to impose upon the party, who bid at the sale, such fine as they may see fit, not exceeding the amount of the deposit paid, or payable on the price at which the sale was concluded. The fine so imposed shall be realized from the deposit, if it shall have been paid, or shall be

recoverable, if the deposit shall not have been paid, by the process in use for the recovery of arrears of revenue from sudder farmers, and their sureties.—*Reg.* XI. 1822, *Sect.* 19.

After possession given the purchaser shall not be ousted without suit in Court.

38. When the Board of Revenue, or other authority exercising the powers of that Board, shall have confirmed a sale, and possession shall have been given to the purchaser, he shall not be liable to be disturbed on the plea of any illegality in the purchase, excepting by decree of a Court of Justice in a regular suit.—*Reg.* XI. 1822, *Sect.* 20, *Cl.* 1.

Process to be followed in case of Benamee purchase discovered after possession given.

39. If at any time after a sale may have been confirmed and possession given, it shall be discovered, that the real purchaser is the defaulter, or a person other than the person who may have been designated as the purchaser at the time of sale, and the fact shall be established by a decree of a Court of Judicature, whether at the suit of Government, or of an individual, in which latter case information shall be given by the Court passing the decree to the Collector, then if Government or its officers were not a party to the suit, it shall be competent to the Collector with the sanction of the Board of Revenue, or other authority aforesaid, to impose on the party so offending, a fine not exceeding 25 per cent. on the amount of the purchase money, or if it shall appear advisable, and provided a period of two years shall not have elapsed from the date of sale, to cancel the sale, and to dispossess the purchaser, or his representative or representatives, (if put in possession,) returning to him, or them, three-fourths of the price realized at the public sale.—*Reg.* XI. 1822, *Sect.* 20, *Cl.* 2.

Also where Revenue officer may purchase.

40. If after possession has been given, it shall be proved by a decree of court, that an estate has been illegally purchased by a revenue officer of Government, whether the suit shall have been instituted by the Collector on the part of Government, or by the former owner of the estate sold, or by any other party, who may be induced to prosecute by the hope of reward, by any, or all of which persons, a suit to enforce the prescribed penalty may be brought, the Court shall, in case there be no appeal lodged from the decree, or if there be appeal, the Court passing the final judgment shall forward the decree to the Governor General in Council, in order that a confiscation of the estate may be declared. The Governor General in Council will be at liberty to dispose of any estate so confiscated, according to his pleasure.—*Reg.* XI. 1822, *Sect.* 20, *Cl.* 3.

SECT. V.

Realization and Disposal of the Purchase Money.

Collector how to proceed, if purchase money be not paid in 10 days.

41. The entire amount of the purchase money shall, in all cases of sale for arrears of the public revenue, be made good by the 10th day from the day of sale, and if the whole sum, including the amount deposited, be not made good before noon of that day, it shall be competent to the Collector on the afternoon of the 10th day, or at such subsequent period as the Board of Revenue, or other authority exercising the powers of that Board, may from time to time direct, to notify by beat of drum, or by the issue of advertisements, or in such other manner as the Board or other authority aforesaid may direct, that the estate will be again exposed to sale on any subsequent day on which a sale of other lands may have been ordered to take place, and unless the first purchaser shall fully account to the satisfaction of the Collector, or of the Board, for his failure to complete his purchase, the Collector shall and may sell the estate so advertised for resale, at the risk of that person, who shall on his default forfeit the amount he may have already deposited, and all claim to the possession of the estate, as well as to all excess that may be realized at the second sale beyond the price at which the lot may have been sold in the first instance. If the price realized at the second sale be less than that of the first, the difference shall be leviable from the first purchaser by any of the processes authorized for realizing an arrear of the Government Revenue; the amount when recovered to be added to the purchase money for the benefit of the defaulter, and if there is an advance on the resale, it shall be carried to the account of the defaulter.—*Reg.* XI. 1822, *Sect.* 21, *Cl.* 1.

Estate to be resold at risk of first purchaser.

Local Commissioners of revenue, with the concurrence of the authority to which they are subordinate, may prescribe the conditions of making good the purchase money—failing which the sales to be annulled, and the amount paid forfeited.

Bengal, Behar, Benares, Orissa.

42. In modification of the Rule contained in Clause First, Section 21, of the above Regulation, which requires that the whole amount of the purchase money bid for estates sold for the recovery of Arrears of Revenue, shall be made good by the tenth day after the sale has taken place, it is hereby enacted, that the local Commissioners of Revenue, with the concurrence of the authority to which they may be immediately subordinate, shall be competent to prescribe the conditions, in regard to the time and mode of making good the purchase money under which Public Sales shall be hereafter made, and any failure in the fulfilment of the conditions so prescribed on the part of

Purchasers, shall render the sales liable to annulment, and the amount paid to forfeiture.—*Reg.* VII. 1830, *Sect.* 7, *Cl.* 1.

Sales by decree of court subject to the same rule.

43. This Rule shall be applicable also to sales made in satisfaction of decrees of Court.—*Reg.* VII. 1830, *Sect.* 7, *Cl.* 2.

Ditto.

Estate restored to late proprietor.

44. Provided also, that in such cases it shall be competent to the Collector, with the sanction of the Board, instead of reselling an estate, the purchaser of which may so fail to make good his purchase, to restore the estate to the original proprietor, on his discharging or making satisfactory arrangements for the liquidation of any arrears, which may be due therefrom, together with interest and all expenses incurred by the sale, or other authorized charges, for which he may be justly liable.—*Reg.* XI. 1822, *Sect.* 21, *Cl.* 3.

Purchase money how to be appropriated.

45. When the purchase money payable on account of any estate sold for arrears of revenue, or resold on failure of the first purchaser, shall be realized, the balance on account of which the sale may have been made, as well as any former balances remaining due from the estate, with all interest and charges up to the day of sale, and also (unless otherwise specially stipulated) any subsequent kists that may have fallen due up to that date, shall first be made good to Government therefrom. The residue shall belong to the defaulter or defaulters, and be payable to his or their receipt upon demand. The purchaser will be answerable for the entire kists of the Government Revenue that may be due on account of the month in which the sale is held, (unless otherwise specially stipulated,) and for all subsequent kists; and it is hereby prohibited to the ryots and under-tenants to make any payments on account of rent, or revenue falling due subsequently to the day of sale, or on account of the month in which the sale may be held, to the defaulter, or to any person whatever claiming to collect them as sudder malgoozar, who may not bring a certificate or umulnama under the seal and signature of the Collector, authorizing him to do so, or a receipt for the advertised balance.—*Reg.* XI. 1822, *Sect.* 22.

Responsibility of purchaser for the Government revenue, from what time to commence.

Under tenants not to pay any rent falling due after day of sale, without authority from Collector.

Arrears due to defaulter to be recovered by suit in the usual form, unless transferred.

46. Arrears that may be due at the time of sale from the under-tenants to the defaulter, shall be recoverable by him, by suit in court, in the usual form; but if he shall choose to transfer his right therein to the new proprietor, the latter may proceed against the defaulting under-tenants for the recovery of the amount so due by them, in the same manner as if the ar-

rears had accrued subsequently to his acquisition of the mahal. —*Reg.* XI. 1822, *Sect.* 23.

SECT. VI.

Confirmation or Reversal of the Sale by the Board of Revenue, or by a Suit in Court.

Bengal, Behar, Benares, Orissa.

47.—No sale shall be final, until confirmed by the local Commissioner, or in cases of appeal by the Sudder Board of Revenue.—*Reg.* VII. 1830, *Sect.* 4.

Collector to report sales to the Board, and not to give possession until confirmed.

48. When any estate may be sold for the recovery of arrears of revenue, the Collector shall, as soon as possible after the full amount of the purchase money shall have been realized, transmit a report of the sale and the accounts thereof, together with any proceedings he may have held upon the occasion, to the Board of Revenue,* or other authority exercising the powers of that Board for confirmation, and no sale shall be deemed absolute, or entitle the purchaser to assume possession of the lands sold, until the confirmation of the Board, or other authority aforesaid, shall have been received.—*Reg.* XI. 1822, *Sect.* 24, *Cl.* 1.

Persons objecting to sale may petition the Board, who will allow time before confirmation.

49. If the party whose lands may have been sold, shall desire to contest the sale, it shall be competent to him to present a petition to the Board of Revenue, or other authority exercising the powers of that Board at any time within thirty days from the date of sale, until which date, the Board, or other authority aforesaid, shall not issue any final order of confirmation. Provided also, that it shall be competent to the Board, or other authority aforesaid, to allow a further term, in case they deem it necessary, for the purpose of investigation, or any other sufficient cause.—*Reg.* XI. 1822, *Sect.* 24, *Cl.* 2.

Board may annul sales, and their order in that case shall be final.

50. If on perusal of the Collector's proceedings or the petition of the party, the Board or other authority aforesaid, shall see sufficient ground for withholding their confirmation of the sale, it shall be competent to them to annul the sale, after making any further enquiry they may judge necessary, and they

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* Section 1, Clause 4, Regulation I. 1829, enacts that the Commissioners of Revenue and Circuit shall exercise within their several districts, the powers and authority now vested in the Board of Revenue, subject to the control of a Sudder or Head Board, ordinarily stationed at the Presidency.

shall similarly be authorized to postpone their final orders for such time as may be requisite for the investigation of the case. The order of the Board of Revenue, or other authority exercising the powers of that Board, for annulling a sale, on whatever ground founded, shall be conclusive.—*Reg.* XI. 1822, *Sect.* 24, *Cl.* 3.

Sales may be contested by suit in Court, though confirmed by Board.

51. If the Board of Revenue or other authority exercising the powers of that Board, shall confirm the sale, it shall nevertheless be competent to the former proprietors, or any of them, to institute a suit in the Civil Court to contest its validity, and if it shall be established to the satisfaction of the Court, that any one or more of the conditions above declared to be essential to the validity of a sale, have not been observed, it shall be competent to the Court to annul the sale: Provided however, that the Court shall not admit or take up any such plea, unless the same shall have been urged by the party in his petition to the Board, or other authority aforesaid, or unless the failure to do so, shall be satisfactorily accounted for.—*Reg.* XI. 1822, *Sect.* 25.

But shall not be set aside, except on plea urged to the Board.

Suit to be dismissed, if failure of some condition of validity be not proved.

52. If the party suing shall fail to establish to the satisfaction of the Court, that the sale is invalid by reason of the failure of any of the said conditions, the suit shall be dismissed; but if it shall appear to the Court, in which the decision may be passed on the original suit or in appeal, that the proceedings of the Collector or any of his officers have been improper or irregular, and that the plaintiff has been endamaged from that cause, it shall be competent to the Court to adjudge such damages to the plaintiff as may appear equitable, in compensation for the injury sustained by him, and in such case to declare, whether the damages shall be paid by Government, or by the Collector personally, or by any of his officers. Provided also, that it shall in such cases be competent to the Court to submit to the Governor General in Council, a recommendation that the estate sold should be restored to the plaintiff, with a statement of the compensation, which it may appear equitable to allow to the purchaser, recording the same, with the reasons for it at length, on his decree, and whenever a case may be so submitted by any Court, and no appeal may be lodged against the judgement, it shall be competent to the Governor General in Council, if he shall be satisfied that the case is one justifying such an interference, to cause the estate to be restored to the plaintiff,

But Court may adjudge damages for irregularity or the like.

And may certify cases of hardship to Governor General in Council.

Who may restore the former proprietor,—compensation being made to purchaser in such cases.

Proviso for appeals in such cases so certified.

on his making the compensation recommended. But if the purchaser shall desire to retain his purchase, and the case be open to a regular appeal under the general Regulations, the purchaser will of course be at liberty to appeal to the Court possessing appellate jurisdiction, in order to contest the propriety of the recommendation submitted to Government, or of any part of it. In such case, the decision of Government will be suspended until the final judgement be passed; but if the purchaser shall merely contest the adequacy of the compensation proposed to be assigned to him, it shall be competent to the Governor General in Council, if he shall resolve to adopt the recommendation of the Court passing the original decree, immediately to order the restoration of the estate to the former zemindars, on payment of the amount adjudged to be due as compensation to the purchaser, and in such event, the fee payable on the institution of appeal, shall be calculated on the difference between that amount and the sum claimed, but the appellant shall not be entitled to judgement on any other point than that pleaded, viz. the adequacy of the compensation adjudged. In such case, the estate shall be held to be mortgaged in security for the eventual judgment.—*Reg.* XI. 1822, *Sect.* 26.

Sale not to be contested by a party who has received any portion of the purchase money.

53. No person shall be entitled to contest the validity of a sale after having received any portion of the purchase money; nor shall any part of the sale proceeds of any estate be liable for the debts of the late proprietor, whilst the validity of the sale may be under contest. Provided, however, that it shall be competent to the purchaser, or any other party interested, after a suit may have been lodged to contest the sale, to apply to the Collector or the Board of Revenue, or other authority exercising the powers of that Board, in order to have the excess of the proceeds of sale beyond the Government demand, vested in Government Securities, at the rate of the day, which in that case shall, on the final decision of the suit, be delivered to the person entitled to the same, with the interest which may have accumulated. And if no such application shall be made, interest shall not be demandable upon the unappropriated amount remaining in deposit in the Government Treasury.—*Reg.* XI. 1822, *Sect.* 27, *Cl.* 1.

All parties interested may apply to have the excess of the sale proceeds pledged in Government Securities.

On sale being reversed, payment of the arrears due

54. Provided likewise, that if the sale of any estate be reversed by decree of Court, by reason of the failure of any of the

conditions specified in Section 5, of this Regulation, and it be determined that an arrear was due by the late proprietor at the time of sale, the estate shall not be restored to the defaulter until the amount of the arrear shall have been made good with interest, and the Government shall, on restoring the purchase money to the purchaser; pay to him the same rate of interest on the amount appropriated to the liquidation of its demand, as may be recoverable from the defaulter. In like manner, in cases in which it may be determined that no arrear was due at the time of sale, Government shall be answerable to the purchaser for any sums so appropriated, with interest thereon.—*Reg.* XI. 1822, *Sect.* 27, *Cl.* 2.

at the time of sale with interest, to be the condition of resuming possession.

Government to be answerable for the same interest on sums appropriated in payment of arrears as may be recovered from the defaulter.

SECT. VII.

Giving Possession and settling Disputes.

55. All purchasers of lands at the public sales are required to attend the Collector of the district wherein the lands may be situated, either in person or by their representatives duly authorized, and to execute the usual kubooleeat and kistbundy for the public revenue assessed upon the lands purchased by them. In cases of doubt as to the real purchaser, or of suspicion that the purchase has been made in opposition to the rules contained in Clauses Third and Fourth, of Section 29, Regulation VII. 1799,* the Collector is authorized to cause the personal attendance of the alleged purchaser at his cutcherry, if resident within his jurisdiction; or, if the purchaser be resident in any other zillah, the Collector of such zillah is authorized and required to cause the attendance of the purchaser at his Cutcherry, on the application of the Collector in whose district the lands may lie, and to make any examination or enquiry that may be desired by the latter Collector, or by the Board of Revenue; to whom a full report is to be made in such cases for the orders of the Governor General in Council, as directed in Clause Fourth, of Section 29, Regulation VII. 1799.—*Reg.* I. 1801, *Sect.* 10.—*Extended to the Ceded Prov. by Sect.* 51, *Reg.* XXVII. 1803.

Collectors authorized to cause the attendance of any landholder or other native whose attendance may be required.

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* Clauses 3 and 4 of the 29th Section of this Regulation are repealed by Reg. XI. 1822.

Rules for giving possession.

Statements to be published at certain cutcherries.

If further measures necessary, zillah Judge to be applied to and possession to be given as in case of decree.

56. On receiving the confirmation of a sale by the Board of Revenue, or other authority exercising the powers of that Board, the Collector shall give possession to purchasers at the public sales of lands within their respective zillahs, by publishing at the head Cutcherry of the pergunnah, or other muhal sold, and at the Cutcherry of the Dewanny Adawlut, in the jurisdiction of which, such muhal, estate, or portion of estate, may be situated, a statement of the land sold, (as exhibited at the time of sale,) the name of the purchaser, the date of his purchase, and his succession to all the rights of the former possessor in the lands so exhibited. In the event of any further measures being necessary to put the purchaser in possession, the Collector shall apply to the Judge of the zillah or city, within which the land may be situated, and on inspection of the proclamation above mentioned, the Judge shall put the purchaser in possession of the property sold to him, as therein specified, by the usual process for giving possession of landed property under decrees of the Courts of Justice.—*Reg.* XI. 1822, *Sect.* 28, *Cl.* 1.

In cases of difficulty in giving possession from disputes regarding tenures or boundaries, or of other sufficient reason,

Governor General in Council may appoint a Civil Servant Commissioner to determine summarily the points at issue.

57. Should obstacles be experienced in giving possession of an estate sold for arrears, whether in consequence of the opposition of the former proprietors, and the difficulty of settling their claims to reserved interests in any part of the lands sold, or from the opposition of persons asserting themselves to be in possession of talooks and other interests not affected by the process of sale for arrears, or because of boundary disputes with neighbouring zemindars, or the like, or should the circumstances of the estate to be delivered over to the purchaser appear in other respects to render it expedient that a local commission should be appointed to enquire into the claims of the parties on the spot, in order to decide what lands shall be delivered over to the purchaser, and for what he shall be referred to a civil action against the opposite party, or vice versa, it shall be competent to the Governor General in Council to depute a covenanted Civil Servant as a Commissioner for the said purpose, and it shall be competent to the Commissioner appointed under the provisions of this Section, to determine in the first instance the limits of the lands in which the purchaser is to be held to have acquired an interest by his purchase, and the nature and extent of the rights and interests to be possessed by him under that title, and to give possession accordingly;

leaving any party dissatisfied with his award to prosecute their claims by a regular suit in the Adawlut against the party in whose favour such awards shall have been given: and the awards of such Commissioner shall be maintained, and acted upon by the Courts of Judicature in all summary, or interlocutary decisions, or orders, until it shall be altered or reversed by a regular decree of Court. A Commissioner appointed as aforesaid shall be guided by the same rules as are observed by the Zillah Courts in the investigation and decision of summary suits, unless otherwise specially directed by the Governor General in Council, and shall be considered and be a Court of Civil Judicature on all things relating to the cases falling within his cognizance, and to all persons concerned in such cases, whether as plaintiffs, or defendants, or their agents, or as witnesses summoned or examined in their behalf, and he shall possess and exercise in regard to such things or persons, as well as in regard to all persons whatsoever, attached to, or in attendance at his Cutcherry, the same powers and authority as are, or may be lawfully exercised in such matters by the Dewanny Adawlut of the Zillah.—*Reg.* XI. 1822, *Sect.* 28, *Cl.* 2.

Such Commissioner to be, unless otherwise provided a Civil Court, and to have jurisdiction as such.

58. If the late possessor shall dispute the right of the purchaser to any part of the property so delivered over to the purchaser, on the plea that it was not included in the purchase, he (the former possessor) shall be at liberty to institute a regular suit in the Dewanny Adawlut for the recovery thereof, and in like manner, if the purchaser thinks himself entitled under the sale to any land, which the Judge or officer appointed as above may not deliver over to him, he is at liberty to sue the late possessor for the same in the Dewanny Adawlut.—*Reg.* XI. 1822, *Sect.* 28, *Cl.* 3.

Disputes as to extent of purchase between purchasers and late proprietor, how to be settled.

59. If any other person, not being the late possessor of the estate sold, shall claim or assert an interest in any portion of the land delivered to the purchaser, on the plea that, (whether included in the sale, or not,) it formed no part of the property liable for the Government Revenue assessed on the muhal sold, he shall be at liberty to institute a suit for the recovery thereof, jointly against the former possessor of the muhal sold and the purchaser. If the lands, or other property so claimed shall be adjudged to the plaintiff, costs of suit shall be payable by the late possessor of the muhal sold, who shall further, if the land or property sued for, shall have been held by him as

Disputes between purchaser and a third party as to extent of property conveyed by sale, how to be settled.

part of the estate sold, or shall have been clearly included in the sale, be compelled by the court to make adequate compensation to the purchaser.—*Reg.* XI. 1822, *Sect.* 28, *Cl.* 4.

SECT. VIII.

Allotment of Jumma.

Section 10, Regulation I. 1793, to be strictly observed in all cases of public sale, and private transfer or division.

60. Section 10, Regulation I. 1793, prescribes the general rule and principle for the allotment of the fixed assessment upon all divisions of estates, whether publicly sold, or transferred by the private act of the proprietors, viz. that the assessment upon the portion of the estate to be separated, shall bear the same proportion to its actual produce, as the fixed assessment upon the whole estate may bear to its actual produce. This rule is to be strictly observed in all cases, whether of public sale, or private transfer, or of division between sharers, heirs, or joint proprietors of whatever description; and it is hereby explained, that by the term "actual produce," is to be understood the neat annual rent, or other neat produce receivable by the proprietor, after deducting from the gross rent or other gross produce, the actual expence of collection, and other usual charges of management; inclusive of poolbundy or the expence of embankments, and similar incidental expences, where such may be paid by the proprietor from his gross receipts; but exclusive of his malikanah or proprietary income, and all other personal appropriations of the gross produce of his estate; as such can have no claim to consideration in determining the neat produce for an equal division of landed property; or for the allotment of the public assessment thereto in conformity to the prescribed rule. But the above regulation further provides, that the produce to which the general rule of proportion is to be applied, shall be ascertained in the mode that is or may be prescribed by the Governor General in Council; and the putwarry accounts furnished in pursuance of Clause Fourth, of Section 62, Regulation VIII. 1793,* for the allotment of the public revenue, agreeably to the principles laid down in Regulation I. 1793, having in many instances proved fallacious or unsatisfactory; and in some in-

Explanation of the term "actual produce."

* Section 62, Regulation VIII. 1793, is repealed by Regulation XII. 1817.—Vide PUTWARRIES in a subsequent Chapter of this Guide.

stances not being procurable by the officers of Government; it is hereby enacted, that whenever the Collector, or other public officer, to whom the allotment of the assessment upon the portion of an estate may be committed, shall have reason to suspect the accuracy of the village accounts produced by a putwarry, in pursuance of Clause Fourth, of Section 62, Regulation VIII. 1793, or of any other regulation, or if such accounts shall be found to have been fabricated, or altered, or not to be the true accounts, under the process prescribed in Clause Eighth, of the above Section and Regulation; or, if in any case the true village accounts of the lands, rents, receipts, and disbursements, may not be forthcoming; but the Collector or other officer, under the powers vested in him by Clause First, of Section 29, Regulation VII. 1799, or any other regulation, shall have obtained satisfactory accounts for the three past years, of the lands and rents of the entire zemindarry, talook, or other estate, with a specification of the muhal or muhals proposed to be separately assessed; he shall adjust the assessment upon such muhal or muhals, under the general rule of proportion, according to the average neat produce (as above explained) ascertainable from the general accounts of the estate so obtained, without further regard to the village accounts than may appear to him proper, with a view to compare and check the other accounts. Provided however, that in all cases, the Collector or other officer shall adopt every authorized measure to obtain the most accurate accounts procurable; and shall fully satisfy himself that the accounts, from which he may compute the neat produce of an estate to be divided and distinctly assessed, are sufficiently accurate to prevent any risk of loss to Government from the proposed allotment of the assessment; without evidence of which no distinct assessment is to be proposed by any Collector, or approved by the Board of Revenue. Provided further, that nothing in this regulation shall be understood to authorize the Collectors to fix the amount of the assessment to be allotted upon the portion of an estate, whether publicly or privately disposed of, without the sanction of the Board of Revenue; or to alter the provisions made for the correction of error or collusion in such allotments by Section 25, Regulation XXV. 1793, in cases of private divisions of estate; and by Clause Second, of Section 29, Regulation VII. 1799, in cases of public sales. Moreover, nothing

Officer to whom the allotment of the assessment of a portion of an estate may be committed, how to proceed, should he suspect the accuracy of the putwarry accounts, or should they not be forthcoming.

Nothing in this regulation to be understood to authorize the Collectors to fix the amount of the assessment on a portion of an estate, without the sanction of the Board of Revenue;

or to alter the provision of Section 25, Regulation XXV. 1793, and Clause Second of

Section 29, Regulation VII. 1799.

Rules in Section 62, Regulation VIII. 1793, respecting the village putwarries not superseded by this regulation.

Clauses Third, Fourth, Fifth, Sixth, Seventh, and Eighth of that Section, extended to all native agents employed by landholders in the management of their estates.

Any native agent convicted in a zillah Court of altering accounts or not delivering the true ones, to be dismissed from the service of the party employing him, and such party prohibited from employing him again, under penalty.

in this regulation is meant to supersede the rules contained in Section 62, Regulation VIII. 1793, respecting the village putwarries; and, with a view to render the same more effectual, Clauses Third, Fourth, Fifth, Sixth, Seventh, and Eighth, of the above Section, are hereby declared to be equally applicable to all other descriptions of native agents employed by the landholders in the management of their estates; or in keeping any accounts of their lands, rents, receipts, or disbursements. If any such agent shall be convicted in the zillah court of having collusively fabricated or altered the accounts delivered by him, or of having wilfully delivered any other than the true accounts, the offender, besides the punishment for perjury to which he will be liable under Clause Eighth, of the above Section, shall be subject to dismission from the service of the party employing him, by order of the Court: and such party shall be positively prohibited from again employing the offender, under whatever penalty the Court may think proper to fix upon consideration of the circumstances of the case.—*Reg.* I. 1801, *Sect.* 8.

If the lot sold be only portion of a mahal, statement of the grounds of assessment to be exhibited at the time of sale, and other information to be given.

But this no guarantee to purchasers, either of the defaulter's title:

Or of the jumma, if subsequently found disproportionate.

New allotment may be ordered by Government within 10 years, as in case of butwarras.

61. If the lot sold form only a specific portion of an assessed mahal, divided off for the purpose of sale, with a jumma specially assigned thereon, a statement of the grounds on which such assessment may have been fixed, shall be exhibited at the time of sale, for the information of purchasers, who will likewise be entitled to inspect any records of the office at which the sale may be conducted, that may be forthcoming, of a kind likely to give information as to the value of the lot. The statement, however, so exhibited, or other information howsoever procured, shall not be deemed to afford any guarantee to the purchaser of the title under which the late proprietor may have held the lands mentioned therein as part of the mahal in arrear, or of their profit, or extent. Provided likewise, that in case it should subsequently be discovered, that the jumma settled on the portion of a mahal so sold, is excessive, or substantially disproportionate, it shall be competent to the Governor General in Council, on the representation of the purchaser, his heirs, or assigns, made at any time within ten years from the date of sale, to order a new allotment of the jumma on the lands sold, and on the remainder of the mahal from which the same may have been separated, on the principle prescribed for the cases of butwarras, and in this case, all separations made at, or after

the time of sale, shall be cancelled. Provided further, that in cases herein the jumma assessed on a separated lot sold, shall from evident mistake, be fixed greatly too low, it shall be competent to the Governor General in Council, at any time within ten years from the date of sale, to cancel the sale, unless the purchaser consent to allow of a fresh allotment of the jumma. When a sale may be so cancelled, the amount of the purchase money shall be repaid to the purchaser, without interest, and if the late proprietor shall refuse, or fail to make good the amount when called on to do so, the lands sold shall become the property of Government: Provided also, that whenever the jumma assessed on any lot shall be reduced under the above provisions, it shall be competent to the Governor General in Council to determine what compensation shall be paid by the purchaser who may benefit by such reduction of the assessment, or by his representative, to the party, or parties, the jumma of whose lands may be enhanced, or if the aforesaid purchaser or his representative shall refuse to pay the sum so awarded, to cause the lot to be resold, and after repaying to the purchaser, or his representative, the amount of his purchase money, without interest, to pay or distribute the remaining proceeds of the resale to or among the party or parties, the jumma of whose lands may be enhanced.—*Reg.* XI. 1822, *Sect.* 34.

If the jumma allotted on sale of a portion of a mahal, be found too low, sale may be cancelled within 10 years, if purchasers refuse to allow fresh allotment.

Government may award compensation to be paid by the party benefited by re-allotment.

SECT. IX.

Abatement or Remission of Revenue.

62. It is hereby declared and enacted, that no abatement of a jumma once fixed by the revenue authorities, shall be made, except by the authority of the Governor General in Council; and it is hereby further declared, that the revenue authorities only are competent to take cognizance of any question affecting the amount of jumma assessed, or fixed on any lands paying revenue directly to Government, and that the fixing, altering, or modifying the amount of Government revenue on such lands, shall belong exclusively to those authorities, subject of course to the general control of the Governor General in Council.—*Reg.* XI. 1822, *Sect.* 35.

No abatement of jumma to be made, without the sanction of Government.

And Revenue authorities exclusively competent to take cognizance of questions touching the amount of assessment.

63. The Board are authorized to grant temporary suspensions of the demands of revenue, whenever it may appear to them indispensably necessary, reporting the sum suspended

Board empowered to grant temporary suspensions.

Period for the payment of the sum suspended not to be extended beyond the year in which it may be granted.

Remissions of balances not to be granted without the special sanction of the Governor General in Council.

Remissions not to be granted without the sanction of the Governor General in Council.

Cases of dereah-shekesty.

Benares.

without delay to the Governor General in Council, with their reasons for the measure. But they are not to grant any suspensions beyond the current year.—*Reg.* II. 1793, *Sect.* 42.

64. No remissions of balances are to be granted without the special authority of the Governor General in Council.—*Reg.* II. 1793, *Sect.* 43.

65. No remissions upon the settlement of a preceding year, nor any remissions whatsoever, are to be granted by the Board without the sanction of the Governor General in Council.—*Reg.* II. 1793, *Sect.* 38.

66. In cases in which since the conclusion of the settlement, the rivers may have carried away so much of the ground included in the engagements of any zemindar, or farmer, as to disable him from paying the stipulated revenue; the Collector, after minute enquiry, is to report the circumstances, and the amount of the deficiency thereby occasioned to the Board of Revenue, through whom the orders of the Governor General in Council will be issued to the Collector, for affording such relief to the party or parties, as may appear necessary.—*Reg.* V. 1795, *Sect.* 35.

SECT. X.

Levy of Interest and Penalty.

Interest and penalty to be consolidated at the rate of Twenty-five per cent. per annum.

Bengal, Behar, Benares, Orissa.

And invariably to be levied at the rate by the Collectors, unless remitted or reduced by the local Commissioner or Sudder Board.

Mode of keeping the accounts to be determined by an order in Council.

67. In lieu of the rules in the existing Regulations, relative to the levy of penalty and interest, the following rule is hereby enacted:—Penalty and interest shall, in future, be consolidated into one demand, to be denominated, "consolidated penalty and interest," and defaulters generally shall be subjected to such demand at the rate of twenty-five per cent. per annum on the arrear of revenue due, from the period on which the instalment may become payable, until the date on which the arrear may be discharged. Nor shall it be competent to the Collectors to remit the consolidated demand of penalty and interest, or to reduce its amount below the rate now fixed, except by the special authority of the local Commissioner or the Sudder Board, on sufficient cause being shewn, either by the defaulter or otherwise, and it shall be competent to the Governor General in Council, by an order in Council, to direct the account of the consolidated penalty and interest to be adjusted weekly, or at such periods as may be found most convenient, provided

that the rate chargeable on account of any week shall not exceed One Pie on the Rupee, or on average Twenty-five per cent. per annum.—*Reg.* VII. 1830, *Sect.* 8.

SECT. XI.

Sale of other besides Malgoozar Lands.

If the proceeds of the sale of the malgoozarry lands of any defaulter are not equal to the demand against him, his other property to be sold to make good the deficiency.

68. If the lands subject to the payment of revenue to Government, belonging to any defaulting proprietor or farmer of land, or any surety, or purchaser of land, which may be sold under this regulation, shall not produce a sum sufficient for the liquidation of the public demand, any other real or personal property which the defaulter may possess, is to be attached and sold to make good the deficiency, under the same rules as his lands subject to the payment of revenue to Government are directed to be sold, as far as those rules may be applicable to such property. And if any property shall be attached, and ordered to be put up to sale, and the sale shall be countermanded in consequence of the proprietor discharging the claim upon him, or other cause, he is nevertheless to be held responsible, for all expences that may be incurred in consequence of the attachment of the property, in the same manner as if the sale of it had taken place; and in the event of his omitting to discharge the amount, it is to be levied by the same process, as the demand for which the property originally ordered to be sold, may have been directed to be levied.—*Reg.* XIV. 1793, *Sect.* 44.—*Extended to Benares by Sect.* 50, *Reg.* VI. 1793; *and to the Ceded Prov. by Sect.* 47, *Reg.* XXVII. 1803.

Expences attending the attachment of property ordered to be sold, but the sale of which may be countermanded, to be defrayed by the proprietor.

SECT. XII.

Annulment of Under Tenures and Leases on the Sale of Land for Arrears.

When lands are sold to make good arrears of public revenue, all engagements subsisting between the proprietors and their dependant talookdars, farmers, and ryots, on account of such lands to be null and void.

69. Whenever the whole or a portion of the lands of any zeminday, independent talookdar, or other actual proprietor of land shall be disposed of at public sale for the discharge of arrears of the public assessment, all engagements which such proprietor shall have contracted with dependant talookdars whose talooks may be situated in the lands sold, as also all leases to under-farmers, and pottahs to ryots, for the cultivation of the whole or any part of such lands, (with the exception of

Exception to the rule.

the engagements, pottahs, and leases, specified in Sections 7, and 8,*) shall stand cancelled from the day of sale, and the purchaser or purchasers of the lands shall be at liberty to collect from such dependant talookdars, and from the ryots or cultivators of the lands let in farm, and the lands not farmed, whatever the former proprietor would have been entitled to demand according to the established usages and rates of the pergunnah or district in which such lands may be situated, had the engagements so cancelled never existed.—*Reg.* XLIV. 1793, *Sect.* 5.—*Extended to Benares by Sect.* 5, *Reg.* L. 1795, *and to the Ceded Prov. by Sect.* 5, *Reg.* XLVII. 1803.

Collectors to lose no time in submitting the necessary statements of lands for sale, in order that the sale may take place within the first or second month after the expiration of the year for which the arrear may be due.

70. Whenever it may be requisite to dispose of the whole of an estate by public sale for the recovery of an arrear of revenue, and it may not be necessary from the large extent of the estate, or otherwise, under the provisions contained in Regulation V. 1796, and Sections 6, and 7, of the present regulation, to dispose of the estate in two or more lots; there can be no difficulty in bringing the estate to sale immediately on the expiration of the year for which the arrear may be due, in conformity to Section 23, Regulation VII. 1799, and Section 26, Regulation V. 1800; as in such cases no allotment of the assessment is required, and it will be sufficient in the statement to be exhibited at the time of sale, to specify the name of the estate, the muhals composing it as entered in the last formed public register of estates, and the fixed assessment thereupon. Under the foregoing provisions, and those already made by Regulations VII. 1799, and V. 1800, for the attachment of the lands antecedent to the public sale of them: it is further expected that the Collectors will be enabled, without any considerable delay, to adjust the assessment upon the portion of an estate proposed to be sold: and to transmit to the Board of Revenue, the statement required by Clause Second, of Section 29, Regulation VII. 1799, to be exhibited at the time of sale in such cases, viz. specifying the muhal or muhals to be sold; their computed rent produce; and the allotment of the sudder jumma thereto, in conformity to Section 10, Regulation I. 1793. It may therefore be presumed, that all sales of land for arrears of revenue will hereafter take place within the

* Vide Chap IX. Sect. 1.

first, or at the latest the second month after the expiration of the year for which such arrears may be due: but as instances may occur under Clause Eighth, of Section 23, Regulation VII. 1799, or some of the provisions in the present regulation, wherein the sale may take place after the second month of the year, and when the proprietor, antecedent to the attachment of his lands for sale, may have granted leases for the current year to farmers, ryots, or other tenants; or may otherwise have concluded a settlement with his under-renters for the current year; the Governor General in Council, with a view to obviate any hardship which such under-renters or tenants might sustain from the immediate operation of Section 5, Regulation XLIV. 1793, and Section 3, Regulation III. 1796, and to promote the general encouragement of agriculture, hereby enacts, that, in such cases, the operation of the two Sections above-mentioned, whereby on a public sale of lands for the discharge of arrears of the public assessment, the engagements, pottahs and leases, of the late proprietor (with certain exceptions) are cancelled from the day of sale, shall be suspended till the close of the Bengal, Fussily, or Willaity year, in which the sale may have taken place; and the purchaser during such period shall not be entitled to demand from any under-renter or tenant of whatever denomination more than the late incumbent could have legally demanded. Provided however, that this suspension be not considered applicable to any engagements, pottahs, or leases, evidently collusive; nor in any case unless the sale shall have taken place after the second month of the year according to the era current in the province wherein the lands may be situated. —*Reg.* I. 1801, *Sect.* 9.

Operation of Section 5, Regulation XLIV. 1793, and Section 3, Regulation III. 1796, suspended in certain cases.

Suspension not to take place when the engagement is evidently collusive, nor unless the sale shall have taken place subsequently to the second month of the year according to the era current in the district

71. Section 5, Regulation XLIV. 1793; Section 5, Regulation L. 1795; and Section 5, Regulation XLVII. 1803, contain provisions for annulling, in the case of public sales, all engagements which may have been contracted between the proprietor of the lands and his under-tenants: and for empowering the purchaser to collect according to the established usages and rates of the pergunnah or district in which the lands may be sold: Clause Third, Section 23, Regulation VII. 1799; Section 24, Regulation V. 1800; Section 9, Regulation I. 1801; Section 5, Regulation XLVII. 1803; at the same time contain provisions for suspending the annulment of leases, supposing the sale to have taken place after the expiration of the

No person attaching lands on the part of Government or purchasing at public sales, entitled to annul existing leases within the year on the grounds of collusion without a judicial decision on summary suits.

second month of the Bengal or Fussily year, until the close of the year, except in cases in which such leases may appear to the officers deputed to attach or manage them on the part of Government, or to the purchasers at the public sales, to be obviously collusive. In addition to these last mentioned provisions, it is hereby declared, that neither any person deputed to attach lands on the part of Government, nor purchasers at the public sales, shall be deemed entitled to annul existing leases within the year, in which the attachment or sale may have taken place, on the ground that such leases were evidently collusive, without a decision to that effect in a court of judicature; the case to be tried as a summary suit under Regulation VII. 1799.—*Reg.* V. 1812, *Sect.* 4.

Rules as to the rates at which purchasers of lands may collect during the year in which the sale takes place, in cases in which leases may be cancelled.

72. By Section 5, Regulation XLIV. 1793; Section 5, Regulation L. 1795; and Section 5, Regulation XLVII. 1803, already cited, it is provided, that in cases in which leases may be cancelled on the occasion of public sales, made for the recovery of arrears of assessment, the purchaser shall be entitled to collect during the year in which the sale took place, whatever the former proprietor would have been entitled to receive, "according to the established usages and rates of the pergunnah, or district in which such lands may be situated." There being however reason to believe that the pergunnah rates are in many instances become very uncertain, the following rules shall be observed on all occasions of that nature.—*Reg.* V. 1812, *Sect.* 5.

Established pergunnah rates where such exist, shall determine the amount to be collected by Government officers or purchasers.

73. If any known established pergunnah rates shall exist, the same shall serve to determine the amount of the rent, which should be received by persons deputed to attach the lands on the part of Government, or by the purchasers at the public sales.—*Reg.* V. 1812, *Sect.* 6.

Rules where no established pergunnah rates exist.

74. In cases, in which no established rates of the pergunnah, or local division of the country may be known, pottahs shall be granted, and the collections made, according to the rate payable for land of a similar description in the places adjacent; but if the leases and pottahs of the tenants of an estate generally which may consist of an entire village or other local division, be liable to be cancelled under the rules above noticed; new pottahs shall be granted, and the collections made at rates not exceeding the highest rate paid for the same land in any one year within the period of the three last years antecedent to

the period at which the leases may be cancelled.—*Reg.* V. 1812, *Sect.* 7.

What allowances to be made in computing the rates payable by ryots, &c. in the case of dependant talooks.

75. In the case of a dependant talookdar, if the rent of the lands be computed according to the rates payable by ryots or cultivators, for land of a similar quality and description, a deduction shall be allowed from the gross rent in the adjustment of the jumma of such dependant talook at the rate of ten per-cent. for the talookdar's profit or income, over and above a reasonable allowance for charges of collection according to the extent of the talook.—*Reg.* V. 1812, *Sect.* 8.

No cultivator or tenant liable to pay enhanced rent unless under written engagements or a notice served upon him at the season of cultivation.

76. By the former and present regulations, persons purchasing land at the public sales, are competent under certain restrictions to annul engagements contracted between the late proprietor of the lands and his under-tenants. But it is hereby declared, that no cultivator or tenant of land shall be liable to pay an enhanced rent, though subject to enhancement under subsisting regulations, unless written engagements for such enhanced rent have been entered into by the parties, or a formal written notice have been served on such cultivator or tenant at the season of cultivation: viz. on or before the month of Jeth, notifying the specific rent, under the landholder's right of enhancing it, to which he will be subject for the ensuing Fussily, or for the current Bengal year.—*Reg.* V. 1812, *Sect.* 9.

Cultivator not served with such notice, entitled to a refund of any excess beyond the amount of his previous engagements.

77. Unless such notification be duly served, no greater rent shall be exigible by process of distress or confinement of person, nor recoverable by suit in Court, than the cultivator or tenant was bound to pay under his previous engagements: and if more be levied from him, he shall be entitled to a refund of the excess with damages, on proof of the circumstances before a court of justice. In all practicable cases the required notification shall be served personally on the tenant: but if he shall abscond or conceal himself, so that it cannot be served personally upon him, it shall be affixed at his usual place of residence; which latter process shall in such case be deemed and taken to be a sufficient service of the notification in question.—*Reg.* V. 1812, *Sect.* 10.

How such notices are to be served.

The preceding provisions applicable to sequestrators, managers, and farmers holding under the authority of the Board of

78. The provisions contained in the preceding Sections shall be considered equally applicable to sequestrators on the part of Government, to managers on the part of the court of wards, and to farmers, whenever estates or portions of estates, may be

Revenue or Board of Commissioners.

let to farm under the authority of the Board of Revenue or Board of Commissioners.—*Reg.* V. 1812, *Sect.* 11.

Declaration as to extent of right conveyed by sale.

1st. Where an estate may be sold for arrears accruing on another muhal.

79. In cases in which any land belonging to a defaulter, or his surety, may be sold for the recovery of an arrear of revenue, not being the land on account of which the arrear may have accrued, then whether the said land sold be malgoozarry, or lakheraj, the purchaser shall only be held to have acquired the rights, interests, and title possessed by the said defaulter or surety, in like manner as if the land had been sold by private sale, or under a decree of Court in liquidation of a private debt.

2d. Where an estate may be sold in recovery of the revenue assessed upon it.

In the case, however, of an estate being sold for the recovery of any part of the revenue assessed upon it, since the act of sale transfers to the purchaser all the property and privileges which the engaging party possessed and exercised at the time of settlement, free from any accident or encumbrances that may subsequently have been imposed, or have supervened thereupon, such as sale, gift, or other transfer, mortgage, marriage settlement, or other assignment, or the like, the property and privileges possessed and exercised as aforesaid, being perpetually hypothecated to Government, for the revenue assessed thereon, no claim of right founded on any act of the original engager or his representative, or on any plea impeaching the title by which the said engager may have held, shall be allowed to impugn the right of the revenue authorities to make the sale, or to bar, or affect the title and interest conveyed to the purchaser by the sale.

Proviso.

Provided, however, that if Government shall have acquired or assumed the property of any estate subsequently to a settlement, and shall have conveyed the same to another, the estate shall be held subject to all just claims to which it was liable at the time of such conveyance: consequently the party ousted on the assumption or acquisition by Government, shall not be barred by a sale made after such conveyance of any right he may have possessed, to recover from Government the property so assumed or acquired by it.

Persons claiming property, in an estate advertised, on what conditions to get possession.

Provided also, that when any person claiming the proprietary right in any muhal shall have instituted a suit in Court for the recovery of the same, if the party in possession of such muhal shall neglect to discharge the revenue payable on account thereof, and a sale of the muhal for the recovery of the arrears due shall have been ordered by the Board of Revenue or other authority exercising the powers of that Board, it shall be com-

petent to the said plaintiff to make application to the Court to be put in possession of the contested mahal, on paying the arrears with interest and charges due, and giving security as hereinafter provided. The Judge on receiving such application shall cause notice thereof to be given to the defendant or to his authorized agent or vakeel, and if the defendant shall not have discharged the arrear for the recovery of which the sale may have been ordered, with the interest and charges, by noon of the Court day next preceding that fixed for the sale, he shall receive the amount tendered by the plaintiff, and shall cause him to be put in possession, subject to the rules for taking security in the case of appellants and defendants, contained in Clause 4, Section 11, Regulation XIII. 1808,* transmitting the amount received as aforesaid, with the necessary precept, to the Collector.—*Reg.* XI. 1822, *Sect.* 29.

Provision for cases of nonpayment of revenue of disputed lands during an appeal.

* Provided further, that whether the appellant or respondent be left in possession of lands paying revenue to Government, during an appeal, if the party in possession of such lands shall neglect to pay the revenue due upon the assessment; and a public sale shall in consequence be ordered to take place; the party not in possession, by payment of the revenue due, and giving the prescribed security, previously to the sale, shall be put in immediate possession; and shall be entitled to charge the amount so paid with interest thereupon, at the rate of one per cent. per mensem, in any adjustment of accounts which may be directed in the final decree upon the cause.—*Reg.* XIII. 1808, *Sect.* 11, *Cl.* 4.

Under tenures how affected by sale for arrears.

80. In pursuance of the principle of holding the estate of a defaulter answerable for the punctual realization of the Government Revenue in the state in which it stood at the time the settlement was concluded, (at which time, by the dissolution of its previous engagements, Government must be considered to resume all rights possessed on the acquisition of the country, save where otherwise specially provided,) all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like settled or credited by the first engager or his representatives, subsequently to the settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, shall be liable to be avoided and annulled by the purchaser of the estate, or mahal,

Where such tenures may be derivative from defaulters.

at a sale for arrears due on account of it, subject only to such conditions of renewal as attached to the tenure at the time of settlement aforesaid, saving always and except bonâ fide leases of ground for the erection of dwelling houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, water courses, or the like purposes, which leases or engagements shall so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect.—*Reg.* XI. 1822, *Sect.* 30.

Governor General in Council may reserve under-tenures.

81. The above rules regarding under-tenures are indispensable for the security of the public resources, and have accordingly been uniformly acted upon as a general and fundamental principle of the revenue system of this presidency; but as the application of the rules leaves an opening to abuse, by enabling a zemindar, who may have granted leases, or other temporary or permanent assignments of his lands for a present money consideration, to annihilate the under-tenures so created by him, it is hereby provided, that it shall be competent to the Governor General in Council, when he shall see proper, at any time before a sale for arrears shall have been actually made, to direct it to be made, subject to the leases, assignments, or other encumbrances with which a proprietor in possession, his ancestors, or predecessors may have burthened his assessed estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Governor General in Council shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Governor General in Council may direct: Provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that by reason of the restriction, the future realization of the revenue will be endangered, it shall be competent to the Governor General in Council, at any time before such restricted sale shall have been finally confirmed, under the rule contained in Section 22, (Par. 45) of this Regulation, to direct the sale to be cancelled, and a new sale of the estate to be made without restriction. If subsequently to confirmation, occasion should arise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the Governor General in Council to direct that the muhal shall be

sold without any restriction beyond what may have attached to the tenure at the original settlement, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Governor General in Council to direct a portion, or the whole of the excess to be paid to the persons whose interests having been reserved at the first, shall become void at the second sale.—*Reg.* XI. 1822, *Sect.* 31.

What under-tenures to be maintained.

82. The above rules, or any other rules contained in the existing Regulations, by which persons are declared competent, under certain restrictions, to annul engagements contracted between former proprietors, and their under-tenants, and in certain cases to enhance the rent payable by such tenants, shall not be construed to entitle the purchasers of land at public sales to disturb the possession of any village zemindar, putteedar, mofussil talookdar, or other person having an hereditary transferable property in the land, or in the rents thereof, not being one of the proprietor's party to the engagement of settlement or his representative. Nor shall the said rule be construed to authorise any purchaser as aforesaid to eject a khood khasht, kudeemee ryot, or resident and hereditary cultivator, having a prescriptive right of occupancy. Nor shall a purchaser demand a higher rate of rent from an under-tenant of either of the above descriptions, than was receivable by the former malgoozar, saving and except in cases in which such under-tenants may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former malgoozars from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to custom of the pergunnah, mouzah, or other local division such under-tenants are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.—*Reg.* XI. 1822, *Sect.* 32.

Mofussil settlements how to be made by purchaser.

83. Persons purchasing at public sale, who may be desirous of enhancing the rents of their under-tenants, shall as heretofore be required in the absence of specific engagements, to serve a formal notice of their intention, as prescribed in Section 9, Regulation V. 1812, (Par. 76) but nothing in the said Section was

intended, or shall be construed to affect the right of any individual possessing a transferable or hereditary right of occupancy to contest the justness of the demand so made: and to pay his rent as heretofore, until the contrary shall be decided by a competent Court of Justice. Nor in any respect to annul or diminish the title of the ryots to hold their land subject to the payment of fixed rents, or rents determinable by fixed rates, according to the law and usage of the country.—*Reg.* IX. 1822, *Sect.* 33.

SECT. XIII.

Realization of the Revenue by previous Demand and Attachment.

Payment of arrears of revenue to be demanded in writing.

By whom the writing is to be attested; what it is to contain;

and by whom and how served upon the defaulter.

84. When a Collector shall have occasion to require payment of an arrear of revenue from any zemindar, independent talookdar, or other actual proprietor of land, or any farmer of land, he is to demand the discharge of it by a writing under his official seal, and attested by his signature, and that of his dewan, specifying the amount of the arrear, and the date on which it became due, and requiring it to be paid at the treasury of the Collectorship, within a certain number of days after the day on which the writing may be served, in the manner herein specified. In fixing the day for the payment of the arrear, the Collector is to advert to the distance of his place of residence from the estate or farm of the defaulter, and allow a reasonable time for him to convey the money to the public treasury. The Collector is to deliver the writing to a single peon, with directions to proceed either to the principal cutcherry of the defaulter, in the estate or farm on account of which the arrear may be due, or to the usual place of abode of the defaulter, if it be within the limits of his zillah, according as he may deem advisable. The defaulter, or his head officer in attendance in such cutcherry, is to grant, and the peon is to take, a receipt for the writing, specifying the date on which he may present it. The defaulter, or his officer above-mentioned, is to pay to the peon two annas per day for his subsistence (excepting in districts where custom has fixed the subsistence money of peons at a lower rate, in which case such lower rate, and no more, shall be exacted,) for the time allowed for delivering the writing, and returning to the Collector. The name of the peon who may

be deputed, the amount of his subsistence money, and the number of days for which he is to receive it, are to be endorsed on the writing. If the peon deputed to serve the demand for the arrears, shall not meet with, or be able to gain admittance to, the defaulter, or his head officer, by the evening of the day following the day on which he may arrive at his usual place of abode, or at his cutcherry above specified, or, if the defaulter, or his head officer, shall refuse or omit to give the receipt above required to the peon, immediately upon his presenting the writing, he is on the same evening to fix up the writing on the outer door or gate of such place or cutcherry, and return to the Collector, to whom he is to report the date on which he may have fixed it up. Written demands for arrears so presented to a defaulter, or his head officer, or fixed up at his usual place of abode, or his cutcherry before mentioned, shall be considered to have been duly served upon him.—*Reg.* XIV. 1793, *Sect.* 3.

Requisition to be made immediately on any arrear of revenue.

85. In the event of any arrear of revenue, as described in Section 2, of Regulation XIV. 1793, being undischarged on the first day of the month succeeding that for which the arrear may be due, the Collector, if the revenue be payable into his treasury, or if not, the tehseeldar or other public officer to whom the same may be payable, is immediately to require payment thereof with interest at the rate of one per cent. per mensem, in the mode prescribed by Section 3, of the above regulation;* and if the arrear shall not be discharged according to such requisition, or, assurance given for the immediate payment thereof to the Collector's satisfaction, he shall proceed without delay to attach the estate of the proprietor from whom the arrear may be due; or such portion thereof as he may consider fully sufficient to make good by a sale the arrear due, with interest; or, if the arrear be due from a farmer, shall proceed without delay both to attach this farm and arrest his person, (as well as the person of his surety, if he have given security,) in the mode prescribed by Sections 5 and 6, of Regulation XIV. 1793. This rule of course supersedes Section 4, of the above regulation (which has already been rescinded as far

Process if the arrear be not paid on such requisition or assurances of payment given.

Estates of landholders to be attached.

Farms to be attached, and farmers and their sureties arrested.

Section 4, of Regulation XIV. 1793, superseded by this rule.

* The rate of interest has been revised by Regulation VII. 1830.—Vide Par. 67, of this Chapter.

But not Section 13, of Regulation III. 1794.

as respects proprietors of land by Section 3, of Regulation III, 1794); but is not meant to supersede Section 13, of Regulation III. 1794, with respect to proprietors or farmers of land paying their revenue to a tehseeldar, or other mofussil officer, who is thereby directed to demand payment of the arrear by the same process as the Collectors are required to observe in Section 3, of Regulation XIV. 1793; and to report to the Collector in case the arrear be not liquidated by the limited period.—*Reg.* VII. 1799, *Sect.* 23, *Cl.* 2.

Collectors not to attach estate or farm of any proprietor or farmer for arrears in the three first months of the year, without orders from the Board of Revenue; nor subsequently without such orders, except in particular cases.

86. By Clause First, of Section 23, Regulation VII. 1799, proprietors and farmers of land assessed with the public revenue, who may not discharge the monthly instalment of revenue demandable from them on or before the first day of the succeeding month, are made liable to the payment of interest on the amount of the arrear due from them at the rate of one per cent. per mensem; and by Clause Second, of the same Section and Regulation, it is enacted, that if the arrear so due, principal and interest, shall not be discharged on the written requisition prescribed in Section 3, Regulation XIV. 1793, (which allows a reasonable time for conveying the money to the public treasury according to the distance of the estate or farm of the defaulter;) nor assurance given for the immediate payment of it, to the satisfaction of the Collector; he shall proceed without delay to attach the estate of the proprietor from whom the arrear may be due, or such portion thereof as he may consider fully sufficient to make good by a sale the arrear due, with interest; or, if the arrear be due from a farmer, shall proceed without delay both to attach his farm and arrest his person (as well as the person of his surety, if he have given security) in the mode prescribed by Sections 5 and 6, Regulation XIV. 1793. But Clause Seventh, of the same Section and Regulation, authorizes and directs the Collectors to suspend the exercise of the above powers, in cases of drought, inundation, or other calamity of season; as well as in all cases where the cause of failure may not have originated in the neglect, mismanagement, or misconduct of the defaulter. The Collectors were at the same time required, in all such cases, to report the circumstances to the Board of Revenue, and to be guided by their instructions; under which provision, and the discretion so vested in the Collectors, it was expected that they would suspend the attachment of estates and farms, and report the case to the Board of Reve-

nue, in all instances wherein, from enquiry made by them, or information given to them, there might be ground to believe that the failure was not wilful; or had not originated in the neglect, mismanagement, or misconduct of the defaulter. But few such reports have been received from the Collectors by the Board of Revenue, although many instances of the nature referred to must have occurred since the promulgation of Regulation VII. 1799, particularly in the early part of the year, whilst the landholders and farmers are adjusting their mofussil settlements for the year; at which period it must be highly inconvenient and injurious to the landholders and farmers that their lands and farms should be attached by the officers of Government. It is therefore hereby enacted, that no Collector shall attach the estate or farm of any proprietor or farmer of land for arrears of revenue during the three first months of the Bengal, Fussily, or Willaity year, (according to the era current in the several zillahs,) without the express sanction and order of the Board of Revenue, on a report of the case to be made to them by the Collector, nor shall the attachment be subsequently made without such sanction and order, unless the Collector shall judge the same expedient, with a view to induce payment of the arrear by the defaulter, or to prevent his misappropriation of the remaining rents of the year, or to obtain accurate information of the assets of the estate for the purpose of disposing of a portion of it by public sale at the close of the year, in either of which cases, the attachment is to take place, after the third month of the year, under the several provisions of Regulation VII. 1799; except that whenever the attachment may be judged advisable for the purposes above stated, the whole estate shall be attached, instead of a portion thereof, as authorized by Clause Second, of Section 23, Regulation VII. 1799. Provided further, that the exception from the rule for attachment during the three first months of the year shall not be considered applicable to attachments made in the preceding year, and continued after the expiration of it with a view to the lands being brought to sale for the recovery of the arrear due from them, and whenever the Collectors and Board of Revenue may not judge it expedient to attach the lands for the purposes above recited, but shall be of opinion that the public revenue is wilfully withheld by the defaulter, or that the arrear is ascribable to his neglect, mismanagement, or misconduct, it shall be competent to the Board

The entire estate to be attached instead of a portion thereof, when attachment may be deemed advisable.

Exception from the rules of attachment during the three first months of the year not applicable to attachments made in the preceding year, and continued after its expiration for the purpose of bringing the lands to sale.

Collectors to report to the Board of Revenue, when they may deem attachment for arrears unadvisable

Board empowered to levy a penalty of one per cent. per mensem on the arrear, in addition to the prescribed interest, in lieu of attachment, to continue until the arrear be paid or the estate be attached.

of Revenue to impose a penalty of one per cent. per mensem on the arrear, in addition to the prescribed interest, to be paid from the time when the arrear may have become due until it be discharged; or until the estate or farm of the defaulter may be attached (in which case the additional penalty in lieu of attachment is to cease,) and to be levied in like manner as the interest is directed to be levied, viz. in the same manner as other revenue demands are enforced under the existing regulations. In all cases where the Collectors may not judge it advisable to attach the estate or farm of the defaulter for an arrear of revenue, and where the result of the fullest enquiry they may be able to make in such cases, shall induce them to believe the arrear wilful, or owing to the neglect, mismanagement, or misconduct of the defaulter, they are to report the same, with a summary of the enquiry made by them to the Board of Revenue, in like manner as they are already required by Clause Seventh, of Section 23, Regulation VII. 1799, to make such report to the Board of Revenue, in cases wherein they may judge it proper to suspend the attachment of estates or farms in arrear, or to suspend the demand of interest upon arrears, on account of any calamity of season or cause of failure not originating in the neglect, mismanagement, or misconduct of the defaulter. The report so required, is still to be made by the Collectors, whenever they may not carry into execution the general rule for attachments, after the expiration of the third month of the year, but as a full discretion is now vested in them (subject to the control of the Board of Revenue) for suspending the enforcement of that rule in all cases where they may judge the same expedient, it is expected that they will be particularly careful to inform themselves as far as possible, in all instances of arrear, of the real cause of arrear, whether want of good faith on the part of the defaulter, or actual inability from a failure in his rents or otherwise, so that the proper remedy may be applied to the ascertained circumstances of the case, and neither the public interests be injured by unmerited indulgence, or those of the individual suffer from undue severity. When the Collectors, from the reports of their mofussil officers, or from other information obtained by them, may have good reason to believe that a defaulter has done his utmost to pay his revenue, but has been prevented by real inability, not proceeding from any personal deficiency, the attachment of his lands, whilst produc-

Report required by Clause Seventh, of Section 23, Regulation VII. 1799, to be made by the Collectors whenever they may not think proper to carry into execution the general rules for attachment at the end of the third month of the year.

Collectors to be careful to ascertain the real cause of arrears.

tive of expence and inconvenience to him, can produce no adequate advantage to Government. On the other hand, if it be known that the defaulter has the means of making good his arrear, or that the attachment of his lands will afford assets for the payment of it, which might otherwise be misappropriated, the attachment would be evidently just and expedient, and whatever expence, or other consequences might arise from it to the defaulter, would be chargeable to his own misconduct. The local officers of government can alone make this discrimination, and the Board of Revenue, in their reports to the Governor General in Council, upon the towjee accounts of the Collectors, are required to notice their attention or otherwise to this important part of their duty.—*Reg.* I. 1801, *Sect.* 2.

Board of Revenue, in their reports on the towjee accounts, to notice the attention of the Collectors to this part of their duty.

87. After the attachment of the lands of defaulting proprietors or the attachment of the farms of defaulting farmers, in conformity to the preceding clause, (85) if the arrear due, with any further arrear that may become due from the same proprietor, or farmer, with interest thereupon at the rate of one per cent. per mensem,* be discharged at any period before the end of the current Bengal, Fussily, or Willaity year (as the estate or farm may be situated in Bengal, Behar, or Orissa,) together with any expence attending the attachment, which may not have been defrayed from the collections, the attachment shall be immediately withdrawn, and a full and fair account rendered of all receipts and disbursements during the continuance of it. Moreover, all receipts from the estate or farm attached, after paying the establishment of officers required to collect the rents, as provided for by Section 6, of Regulation XIV. 1793, shall be carried to the credit of the defaulter, during the current year, in discharge of the arrear and interest due from him. † The whole of the provisions in the above Section are also to be considered in full force; except that the injunction to the ameen to collect according to the engagements subsisting between the defaulter and his under-tenants, is not to be considered applicable to engagements evidently collusive, which may have been contracted in expectation of the attachment, with a view to prevent the officers of Government from receiving the just rents during the continuance of it. In such

Attachments under preceding section when to be withdrawn.

Bengal, Behar, Orissa.

Account to be rendered in such cases.

Receipts from attached lands how to be credited.

Provisions in Section 6, of Regulation XIV. 1793, still in force, with a qualification to prevent collusion.

* The rate of interest and penalty has been revised. Vide Par. 67.

† The enactment from the beginning of this sentence, "The whole of the provisions," &c. is extended to Benares by Reg. V. 1800, Sect. 24.

cases the ameen is to collect according to the established rates and usages of the pergunnah, as he is directed to do in cases where no engagement exists between the defaulter and his under-tenants. It is further hereby declared that after the promulgation of this regulation no anticipation of the rent will be admitted in cases of attachment. The landholders and farmers are forbidden to demand or receive, and the ryots and other under-tenants are to pay, any part of the rents receivable by the former and payable by the latter, before the stipulated or usual period of payment, according to the kistbundy or other engagement, or established local usage; and no person hereafter making anticipated payments, against this prohibition, or producing receipts for such, whether collusive or otherwise, shall be entitled to credit for the amount from the officers of Government who may attach the lands or farm; or from the landholder or farmer making the attachment, if it be made for arrears due from an under-tenant, under the provisions contained in this regulation. Nor shall credit be allowed for any payment made to a defaulter, after proclamation of the attachment of his estate or farm, until further proclamation be made that such attachment has been withdrawn; unless it can be clearly shewn that such proclamation, which is to be made as public as possible throughout the attached lands immediately on the attachment's taking place, was notwithstanding unknown to the party making payment to the defaulter at the time when such payment may have been made. Provided however that nothing herein contained shall be understood to exonerate the defaulter from crediting to his under-tenants, or otherwise accounting for, all sums received by him, whether in anticipation of the rents or subsequent to the attachment of his estate or farm: the above restrictions having reference to the attachment only.—*Reg.* VII. 1799, *Sect.* 23. *Cl.* 3.

Further provision against anticipation of the rents.

Prohibition, under penalties, to landholders, farmers, and their tenants, to receive or pay the rents by anticipation.

Credit not to be allowed for any payment made to a defaulter after proclamation of the attachment.

Exception.

Proviso.

88. In all cases of attachment, the village putwarries required to be appointed by the original rules for the decennial settlement, and by Section 62 of Regulation VIII. 1793,* will of course be bound to furnish the Collector and the ameen, or other officer deputed by him, with the accounts directed to be

Accounts to be furnished by putwarries in cases of attachment.

Bengal, Behar, Orissa Benares.

* Vide the Regulations regarding PUTWARRIES in a subsequent Chapter.

kept by them; and the Collectors are hereby required to take immediate measures for ascertaining whether the putwarries have been universally appointed throughout their respective districts, as enjoined in the above section; as well as to cause their immediate appointment where they may be found wanting, by requiring instant compliance from the landholders with the regulation in question, under the penalty prescribed in the ninth clause of the section above mentioned; which, if necessary, they are to proceed to enforce in the mode therein provided,

Collectors to take measures for general appointment of putwarries according to Regulation VIII. 1793.

It is at the same time hereby explained, that it was not meant by the above regulation to require the proprietors of small estates, who may superintend their own lands, and be unable to afford the expence of a putwarry, to appoint officers of this description for the purposes mentioned in Section 62, of Regulation VIII. 1793; but in such cases the proprietors themselves are, when required, to furnish the accounts and information specified in the above section, in like manner as the putwarries are required to furnish the same; and under the same provisions.

Explanation of Section 62, Regulation VIII. 1793, with respect to small estates managed by the proprietors.

Defaulting proprietors and farmers of land whose estates or farms may be attached under this regulation, are also required to furnish the Collectors with any accounts that may be required from them relative to the jumma, collections, and outstanding balances of the current year, or of preceding years, which may be in their possession, as well as to cause their agents of every description, who may have been employed in the collections of the current year, to attend the Collector, ameen, or other officer appointed by him. Any proprietor or farmer who on receiving a written requisition from the Collector under his official seal and signature to the above effect, shall refuse or neglect to comply therewith, shall be liable to such fine as the Board of Revenue, with the sanction of the Governor General in Council, may think proper to impose upon him on the Collector's report of the circumstances of the case; and the Governor General in Council reserves to himself the power of ordering the imprisonment of any landholder, or other person who may persist in refusing to deliver up the accounts required from him in any particular instance.—*Reg.* VII. 1799, *Sect.* 23, *Cl.* 4.—*Extended to Benares by Sect.* 25, *Reg.* V. 1800.

Proprietors and farmers of attached lands to furnish the Collectors with any accounts required from them, in their possession.

And to cause their agents to attend the Collector or officer appointed by him.

Penalty for non-compliance with this rule.

89. When lands are attached by a Collector, or other officer of Government under the present regulation, or become subject to a khas collection on the part of Government under any

Further powers vested in the Collectors in cases of attachment or khas collection.

Bengal, Behar, Orissa.

regulation authorizing the same, or by any means come under the immediate management of the officers of Government, so that the rents are collected by them from the ryots, jotedars, dependant talookdars, under-farmers, or other descriptions of under-tenants, the Collector, in addition to the power vested in him, and in the officers employed under him, by Section 19, and the preceding Sections of this Regulation, is authorized, without any previous application to the Dewanny Adawlut, to proceed against defaulting under-renters of whatever denomination, from whom arrears of rent may be due, and their sureties, in the same manner as he is authorized by Section 23, of this Regulation, to proceed against sudder farmers paying revenue immediately to Government, and their sureties, if he shall consider this mode of procedure more likely to be effectual in causing payment of the arrear due from them: and in such cases he is authorized to issue the process directed in Section 5, of Regulation XIV. 1793, on the report of the tehseeldar, or other officer employed to make the collections, as in cases of arrears due from proprietors or sudder farmers whose revenue may be made payable to a tehseeldar; or the tehseeldar, or other collecting officer, may, in particular cases, where he may have reason to apprehend the elopement of the defaulter or his surety, himself arrest and convey him to the Collector, under the provisions contained in the second clause of Section 23, of this Regulation. In all such cases however, the Collector, before he delivers over the parties to the Dewanny Adawlut, is to satisfy himself that the arrear stated by the tehseeldar or other mofussil officer, is justly due, and he is at liberty to keep the alleged defaulter under mofussil peons during the enquiry that may be necessary for this purpose, although the period should exceed the ten days limited by the above Section, but all such enquiries are to be brought to a conclusion with the least possible delay.—*Reg.* VII. 1799, *Sect.* 25.

May proceed against defaulting under-renters in such cases and their sureties as he is authorized to proceed against sudder farmers and their sureties.

Provision for ascertainment of the arrears due from persons arrested under this rule by tehseeldars or other mofussil officers.

Collectors to propose, and Board of Revenue to approve, establishments of officers to be employed during the attachment of lands.

Ditto.

90. They are also authorized to fix the establishments of native officers which may be necessary during the attachment of lands for sale, the expence of which is to be defrayed from the produce of the lands, as provided in Section 23; and statements of all such establishments are to be submitted by the Collectors for their approval as soon as possible after the attachment may take place. In preparing such statements the

Objects to be at-

Collectors are to be careful not to propose a greater number of officers, or greater allowances to the officers employed, than may be indispensably necessary; and the Board of Revenue, in approving such establishments, are to give particular attention that this principle is duly observed. The Collectors are also to nominate for the approbation of the Board of Revenue, the ameens and other principal native officers, to be employed in the management of lands under attachment, with the sureties to be taken for their appearance under Section 15, of Regulation III. 1794, and will be held responsible for the utmost regard to the qualifications and character of the persons so appointed by them, as well as in all cases wherein native officers may be appointed by them to the charge of a khas collection, whether under this or any other regulation.—*Reg.* VII. 1799, *Sect.* 30.

tended to in proposing and approving such establishments.

Collectors also to nominate, and Board of Revenue to approve, the principal officers to be employed in the management of lands under attachment with their sureties.

Responsibility of Collectors in all such appointments; as well as in all cases of a khas collection.

91. When arrears shall become due from proprietors or farmers of land, whose revenue may be made payable to a tehseeldar, or other officer appointed by Government to collect it, such officer is to demand the payment of the arrears by the same process as Collectors are required to observe in requiring the discharge of arrears by Section 3, Regulation XIV. 1793 (84). If the defaulter shall not liquidate the arrears by the prescribed period, the tehseeldar or other officer is to report the amount of the arrear to the Collector, who is to proceed to the recovery of it by the same process as he is directed to observe in recovering arrears due from proprietors or farmers paying revenue immediately to the treasury of the zillah.—*Reg.* III. 1794, *Sect.* 13.

How tehseeldars or other public officers are to require payment of arrears from proprietors or farmers paying revenue to them.

Ditto.

SECT. XIV.

Collection of Revenue by the Distraint of Personal Property.

92. Instances having occurred, in which, from the very small extent of certain estates, from their dispersed situation and inconsiderable produce, it has been found impossible to attach them without an expence altogether disproportionate to the arrear and value of the estates; the proprietors of which have in consequence withheld the amount due from them, though well able to discharge it; to provide for such cases, the Board of Revenue are hereby vested with authority to order the distress and sale of the personal property of defaulters, as far as

Board of Revenue empowered in certain cases to cause the distress and sale of personal property of defaulting proprietors.

Bengal, Behar, Orissa, Benares.

Rules for the distress and sale of the personal property of under-tenants to be strictly

adhered to in the exercise of this power.

may be necessary for the recovery of arrears of revenue or other public demands, whenever, from the reports of the Collectors or other information before them, they may consider it just and expedient to have recourse to this mode of recovery, instead of attaching the lands of the defaulters: and whenever such distress and sale may be ordered by the Board of Revenue, it is to take place in the mode prescribed for the distress and sale of the personal property of under-tenants for arrears of rent, under a strict observance of the rules established for this purpose by Regulations XVII. 1793, XXXV. 1795, and VII. 1799, or any future regulation on the subject.—Provided, that this special rule be considered applicable only to the particular case, above referred to; in which the general rule for attachments cannot with facility be put in execution; and be not in any instance understood to vest the Collectors with authority to sell the personal property of any proprietor or farmer of land paying revenue to Government, without the express sanction of the Board of Revenue. In applying for such sanction, the Collectors are to make a full report of the circumstances under which they may judge it advisable to have recourse to the special rule contained in this regulation; and are to state any pleas which may have been offered for the arrear, with their opinion whether the same are well founded or otherwise. Provided further, that nothing in this Section, the operation of which is restricted to the provinces of Bengal, Behar, and Orissa, shall be considered applicable to the province of Benares: where the rule for the distress and sale of personal property contained in Section 22, Regulation V. 1800, and which has reference to the state of landed property and other circumstances peculiar to that province, is to remain in force as heretofore.—*Reg.* I. 1801, *Sect.* 4.

Collectors not to exercise this power without the express sanction of the Board of Revenue, in applying for which, they are to make a report of all the circumstances.

The rules in this Section confined to Bengal, Behar, and Orissa.

SECT. XV.

Confinement of Defaulting Proprietors.

Proprietors of land not to be liable to be confined for arrears.

Exception to the rule. Arrears how to be recovered

Bengal, Behar, Orissa.

93. Proprietors of land shall not be liable to be confined for arrears of public revenue, or for any demand, of the nature of those specified in Section 40, Regulation XIV. 1793, excepting in the cases mentioned in Section 14, arrears due from proprietors of land, are to be recovered in the manner hereafter prescribed.—*Reg.* III. 1794, *Sect.* 3.

94. If the whole of the lands of a proprietor shall be sold for the discharge of arrears of revenue, or any of the demands specified in Section 40, Regulation XIV. 1793, and the proceeds of the sale shall not be sufficient to make good the arrears, or, if the lands of a defaulting proprietor shall be put up to sale, and no person shall offer to purchase them; in the first case, the person of the defaulter and any personal property which he may possess, and in the second, his person and property of every description, shall be liable for the balance to the operation of all the rules regarding defaulting proprietors contained in Regulation XIV. 1793, excepting the rules in the several sections of that regulation which are rescinded by Section 11. Whenever a Collector may confine a proprietor under this section, after all his lands have been disposed of, he is immediately to report the circumstances to the Board of Revenue, who are to submit them for the information of the Governor General in Council.—*Reg.* III. 1794, *Sect.* 14.

Cases in which proprietors of land are liable to be imprisoned under Regulation XIV. 1793.

Ditto.

Collector to inform the Board of Revenue when he may confine a proprietor after his lands have been sold.

95. When a Collector shall proceed under Section 4, to the confinement of a zemindar, independent talookdar, or other actual proprietor of land, or farmer of land, for the recovery of arrears, he shall depute two peons, but no greater number than two, with a writing under his official seal, and attested with his signature, and that of his dewan, specifying the amount of the arrear due from the defaulter, and the date on which it became payable, and requiring him to deliver himself into the custody of the peons, that they convey him to the jail of the Dewanny Adawlut of the zillah. The peons are to carry defaulter direct to the jail. Immediately upon the arrival of the defaulter at the jail, the Collector is to apply to the court, by motion in writing to be made in open court, if the court shall be sitting, through the pleader of Government, for the confinement of the defaulter. If the court shall not be sitting, the motion is to be presented to the Judge out of court. The motion is to specify the amount of the arrear due from the defaulter, and the date on which it became payable. Upon receipt of the motion, the Judge is immediately to order the defaulter, to be confined in the jail of the Dewanny Adawlut, and detain him there, until he shall have discharged the arrear for which he may have been taken into custody, and all subsequent arrears, that may become due during his confinement, or until the Collector shall apply to the court, by motion made as

Process to be observed by Collectors in confining defaulters.

Ditto.

Defaulter to be conveyed to the Dewanny Adawlut jail.

Motion in writing to be made to the Court for his confinement.

What the motion is to contain.

Judge to confine defaulter.

Subsistence money to be paid to the peon.

above directed, to have him released. Peons deputed to take defaulting proprietors or farmers of land into custody under this section, are to receive from the defaulter, two annas per day each for their subsistence, (excepting in districts where custom has fixed the subsistence money of peons at a lower rate, in which case such lower rate, and no more, shall be exacted) for the time allowed for taking him into custody, and conveying him to jail. The names of the peons who may be deputed, the amount of the subsistence money, and the number of days for which they are to receive it, are to be endorsed on the writing. If the defaulter shall not reside, or be, within the limits of the zillah wherein the lands on account of which the arrear shall be due may be situated, the Collector is to order the two peons, whom he may charge with the writing, to proceed direct to the Collector of the zillah in which the defaulter may be or reside, and such Collector shall immediately send with them a peon, to point out the place of residence of the defaulter. The two peons shall take the defaulter into custody and convey him to the jail of the Dewanny Adawlut of the zillah in which they may so apprehend him. The Collector who may issue the writing, shall forward to the vakeel of Government in such zillah, the prescribed motion for the confinement of the defaulter, so that he may have it ready to present to the Judge, immediately upon the arrival of the defaulter at the jail. The Collector is to be careful likewise to specify in the writing for taking the defaulter into custody, the name of the zillah to the jail of which he is to be conducted. With the above exceptions as to the mode of serving the process, and the jail in which the defaulter is directed to be confined, all the other rules contained in this regulation regarding his case, are to be considered equally applicable to it, as if he had been imprisoned in the jail of the zillah, wherein the lands on account of which the arrear shall be due may be situated. All suits or complaints, which the defaulter may have to prefer against the Collector, or his officer, or the ameen who may be deputed to take charge of his lands, are accordingly to be lodged in the Dewanny Adawlut of the last mentioned zillah, and the Judge of the zillah, in the jail of which the defaulter may be confined, is to give effect to all decrees, or orders, which may be transmitted to him by the Judge of the zillah in

which the suits or complaints of the defaulter may be so preferred.—*Reg.* XIV. 1793, *Sect.* 5.

Precautions to be taken for the security of the revenue upon the confinement of a proprietor or farmer of land.

Bengal, Behar, Orissa.

96. When a Collector shall proceed to confine a zemindar, independent talookdar, or other actual proprietor of land, or farmer of land, under Section 4,* he is to depute an ameen, with a proper establishment of officers, to collect the rents and revenues, from the estate or farm of the defaulter. The Collector is to transmit the establishment to the Board of Revenue, who are to submit it to the Governor General in Council, with a recommendation that it be confirmed, or altered, as may appear to them advisable. The expence of the establishment of the ameen when approved, and all other charges attending his deputation which may be admitted, shall be defrayed by the defaulter, and disbursed from the collections made from his estate or farm. The dewan, or head native officer of the defaulter, or any other person whom he may think proper to appoint, is to keep a counterpart of the accounts of the receipts and disbursements of the ameen. The ameen is to collect according to the engagements that may subsist between the defaulter and his dependant talookdars, under-farmers, and ryots, and shall not make any alterations whatever in such engagements, or exact more than the amount specified in them, whether they be conformable to Regulation XLIV. 1793, or not. The ameen shall be liable to a prosecution in the court of Dewanny Adawlut of the zillah, for any alteration or infringement of such engagements, in opposition to this Section. In cases in which no engagements may exist between the defaulter, and his dependant talookdars, or ryots, the ameen is to collect from them according to the established rates and usages of the pergunnah. The ameen shall likewise be subject to a prosecution by the proprietor of the estate, or the farmer, for embezzlement, or injuries done to the estate, or farm, during the time that the collection of the rents and revenues of it may be entrusted to him. If the estate or farm of the defaulter, shall be too inconsiderable to admit of its being charged with the expence of the appointment of an ameen, it shall be committed to the nearest tehseeldar, or other officer, employed un-

Counterpart of the accounts of the ameen to be kept by a person on the part of the defaulter.

The ameen to collect according to the engagements of the defaulter with his dependant talookdars or ryots, under pain of being prosecuted for the infringement of them.

How the ameen is to collect where no such engagements subsist.

Ameen liable to be prosecuted for embezzlement, or injuries done, to the estate or farm.

Small estates to be committed to the charge of the nearest tehseeldar, or other native revenue officer.

* This Section has been repealed; in its place are substituted Sect. 3 and 14, Reg. IV. 1794.—Vide Par. 93 and 94, of this Chapter.

der the Collector in the business of the collections, who shall perform the duties above prescribed to the ameen, and under the same restrictions and penalties.—*Reg.* XIV. 1793, *Sect.* 6.

Persons confined by the Collector for arrears at liberty to institute a suit against him to try the justness of the demand.

Ditto.

97. Every proprietor or farmer of land, who may be in confinement for arrears of revenue, that may not have been adjudged to be due from him by a judicial decree, and who may deem the demand not warranted by his engagements with Government, is permitted to prosecute the Collector by whom he may have been imprisoned, in the Dewanny Adawlut of the zillah, wherein the lands on account of which the arrears shall be claimed may be situated, to try the justness of the demand. If no part of the arrear claimed shall be found to be due from him, the Judge shall release him, and decree such costs and damages against the Collector, as he may deem equitable, upon a consideration of the circumstances of the case. If only a part of the demand shall appear due, the Court is to discharge the prisoner upon his paying such part. In both cases however, the Court, previous to releasing such person, shall take good security from him to perform the final decision in appeal, in the event of the cause being appealed by the Collector, in consequence of orders from the Board of Revenue, or without their orders. If the Collector shall represent to the Court, that an appeal will not be preferred from the decision, or if an appeal shall not be lodged within the time limited for preferring appeals to the provincial Courts of appeal,* the Judge shall release the person so confined, without taking such security. But no Collector shall be liable to the payment of any damages, for causing proprietors of land or their sureties, to be confined under Sections 9, 10, or 11,† in consequence of their not instituting the suit conformably to their engagement, or performing the other conditions to which they may have agreed, as therein specified, although it should be determined upon trial that no part of the arrear which was to constitute the subject of the suit, was due.—*Reg.* XIV. 1793, *Sect.* 12.

Collector how to proceed, when a proprietor of land, refuses to obey or resist the process

98. If a Collector shall issue the process prescribed in Section 5, against any zemindar, independent talookdar, or other actual proprietor of land, to convey him to jail on account of

* By Reg. V. 1831, appeals are to be made from the decision of the Judge to the Sudder Dewanny Adawlut.

† These three Sections are rescinded by Regulation III. 1794.

arrears of the public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the peons deputed by the Collector to convey him to jail, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the Collector who may issue the writing, is immediately to represent the circumstances, through the vakeel of Government, to the Dewanny Adawlut of the zillah, wherein the lands on account of which the arrears shall be due, may be situated; and, upon the peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind, from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, shall require the defaulter, by a publication in writing, to deliver himself into the custody of the Court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian and Bengalee languages, if the estate of the defaulter shall be in Bengal or Orissa; or, in the Persian language, and the Hindoostanee language and Nagree character, if it should be situated in Behar; and shall be fixed up, as early after the date of it as may be practicable, [illegible] his usual place of abode, or the principal cutcherry in the estate on account of which the arrears may be due, in the office of Collector, and the Court room of the Dewanny Adawlut of the zillah. The Collector is to continue the ameen directed to be deputed by Section 6, (96) to collect the rents and revenues of the estate of the defaulter, in the same manner as if the process issued under Section 5, had been duly served, and obeyed by him.—*Reg.* XIV. 1793, *Sect.* 15.—*Extended to Benares by Sect.* 22, *Reg.* VI. 1795;—*to the Ced. Prov. by Sect.* 22, *Reg.* XXVII. 1803.

issued by him under Section 5, or escapes from the peons, or prevents the process being served upon him.

Judge, upon the charge appearing to him well founded,

to issue a publication requiring the defaulter to deliver himself up to the Court in four weeks.

In what language the publication is to be written, and where and when it is to be fixed up.

Ameen is to be continued in the same manner as if the process had been duly served.

99. If the defaulter shall not surrender himself, before the expiration of the period limited in the publication, directed to be made in Section 15, or, if he shall deliver himself up within the prescribed time, and, after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, and that which the Collector may adduce in support of his representation, if it shall be proved to the satisfaction of

Decree to be passed by the zillah Court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

the Court, that the defaulter is guilty of the charge, the Court is to decree the proprietary right of the defaulter, and his heirs, in the estate on account of which the arrears may be due, forfeited to Government. If the defaulter shall not appeal from the decree to the provincial Court of appeal,* within the time limited for preferring appeals to that Court, in Section 12, Regulation V. 1793, the Court is immediately to transmit to the Governor General in Council, a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the provincial Court of appeal within the prescribed period, and the Court should confirm the decision of the zillah Court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or, if it be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that Court, in Section 10, Regulation VI. 1793, the provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the proceedings and decree of the zillah Court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial Court of appeal, and the Sudder Dewanny Adawlut should confirm the decree of the provincial Court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial Court of appeal to the Governor General in Council. If the Judge of the zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Section 5, had been duly served upon him, and he had obeyed it; and the Collector is immediately to obtain from the Court, a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it, or not, as may appear to them proper. If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial Court should reverse the decision of the zillah Court, and adjudge the proprietary right in the estate forfeited, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and an appeal should not be preferred within the limited time, the

Court to transmit the decree and proceedings to the Governor General in Council if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the zillah Court be confirmed, the provincial Court to transmit a copy of the decree and proceedings, to the Governor General in Council in the event of the defaulter not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed in case the suit should be appealed to them, and they should confirm the decision of the provincial Court.

Collector how to proceed if the zillah Court should adjudge the charge not proved.

Rule for cases in which the provincial Courts of appeal may reverse such decisions of the zillah Courts.

* Vide the note regarding appeals in page 221.

provincial Court is immediately to forward a copy of their proceedings and decree in the appeal, and of the decree and proceedings of the zillah Court, to the Governor General in Council. If the Judge of the zillah Court shall decree the charge proved, and the decision shall be reversed in the provincial Court, the Collector is immediately to transmit a copy of the decrees and proceedings of the zillah Court, and provincial Court of appeal, with a letter stating his objections to the decree of the latter Court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut, (provided the cause shall be appealable,) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and the Court should reverse the decision of the provincial Court, and declare the proprietary right in the estate forfeited, the Court is immediately to transmit a copy of their decree and proceedings, and of the proceedings received from the provincial Court of appeal, to the Governor General in Council. That no doubt may be entertained from what decrees passed by the provincial Courts of appeal under this section, an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last mentioned Court, unless the annual produce of the estate of the defaulter on account of which the arrears may have been demanded, calculating according to the amount paid, or payable, by the dependant talookdars, under-farmers, and ryots, to the defaulter, on account of the year in which the decision of the zillah Court may be passed, shall exceed one thousand sicca rupees; and the Collectors are enjoined, to insert generally in the representation which they are directed to make to the Dewanny Adawlut of the zillah in Section 15, whether the produce of the estate on account of the year above-mentioned, according to the best of information they may have been able to obtain, exceeds or falls short of, one thousand Sicca Rupees, but without specifying the actual amount of the produce. If the defaulter shall not deliver himself up within the prescribed time, or if he shall surrender himself by the limited period, and the Collector shall have stated the produce of the estate to be under one thousand Sicca Rupees, and the defaulter shall not deny the truth of the Collector's statement in his answer to the charge, and the cause should be afterwards brought before the

Collector how to proceed if the charge should be adjudged proved in the zillah Court, and the provincial Court of appeal shall reverse the decision.

Rule for determining from what decrees of the provincial Courts of appeal passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

provincial Court of appeal, an appeal shall not lie from the decision of that Court to the Sudder Dewanny Adawlut. If the Collector shall represent, that the produce of the estate for the year before mentioned, exceeds or falls short of one thousand Sicca Rupees, and the defaulter should appear within the limited time, and in his answer to the charge, object to the statement, the Judge is to try the objections, and pass such decision upon them, as may appear to him equitable. If the cause should be afterwards brought before the provincial Court of appeal, and no objection be offered by either party to the decision of the zillah Court, on the Collector's statement of the produce of the estate, it is to be held accurate. If objections should be offered, the provincial Court is to try the objections, and pass such decision upon them, as may appear to it equitable. If an appeal from the decree of the provincial Court should be presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal, should depend upon the produce of the estate for the year before mentioned, exceeding or falling short of one thousand Sicca Rupees, the Court of Sudder Dewanny Adawlut is to examine the decisions passed by the Dewanny Adawlut of the zillah, and the provincial Court of appeal, respecting the produce of the estate, and either adjudge the cause to be appealable or not, as may appear to them equitable. Decrees that may be passed under this section by the Dewanny Adawlut of any zillah, or any provincial Court of appeal, or the Sudder Dewanny Adawlut, adjudging the proprietary right in the estate of a defaulter to be forfeited to Government, shall not be carried into execution in any case whatever, without an order from the Governor General in Council confirming the decree, and directing in what manner the proprietary right in the estate shall be disposed of. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the proprietary right of any defaulter in an estate, forfeited, either to order the decree to be executed, or to commute the forfeiture for such fine, as upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed. In the event of the Governor General in Council commuting the forfeiture for a fine, the Court which shall have transmitted the decree and proceedings to the Governor Gene-

Decrees passed under this section not to be carried into execution without the sanction of the Governor General in Council.

If the estate is decreed forfeited, the Governor General in Council, may confirm the decree, or commute the forfeiture for a fine, within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, by what Court and how it is to be levied.

ral in Council, upon receiving notice of the fine that it may impose, are to levy the amount of it the same process by which they are directed to enforce decrees of the Court, and to pay the amount to the Collector of the zillah. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture for a fine, the decree is to stand good against the defaulter. The process which a Collector may institute against a defaulter, in the Court of Dewanny Adawlut of the zillah under this section, as well as the prosecution or defence of any appeal from the decision of such Court, which may be preferred to the provincial Court of appeal, or from the decree of the provincial Court, to the Sudder Dewanny Adawlut, in which the Collector may be appellant or respondent, is to be carried on at the public expence, and to be conducted by the vakeel of Government, whom the Collecter is to furnish with the necessary instructions.—*Reg.* XIV. 1793, *Sect.* 16.—*Extended to Benares by Sect.* 23, *Reg.* VI. 1795;—*to the Ced. Prov. by Sect.* 23, *Reg.* XXVII. 1803.

Decree of forfeiture to be final, if not ordered to be executed or commuted for a fine, within the time above mentioned.

Process and appeals instituted under this section to be conducted by the vakeel of Government on the part of the Collector, and to be carried on at the public expence.

100. If the defaulter mentioned in Section 16, shall be allowed to retain the proprietary right in his estate, Government is to account to him for the amount received through the ameen; and if it shall exceed the public revenue that was due from the estate, the expences attending the deputation of the ameen, and the fine which may be imposed upon the defaulter, the overplus is to be returned to him. If the sum received through the ameen, shall be inadequate to the payment of the several demands above-mentioned, and the defaulter shall not make good the deficiency, a portion of his lands is to be sold for the discharge of it.—*Reg.* XIV. 1793, *Sect.* 17.—*Extended to Benares by Sect.* 24, *Reg.* VI. 1795;—*to the Ced. Prov. by Sect.* 24, *Reg.* XXVII. 1803.

Proceeds of the estate of the defaulter whilst attached to be accounted for to him if the forfeiture should be commuted for a fine.

Portion of the defaulter's estate to be sold, if the proceeds should not be adequate to answer all demands against him, and he should not discharge them.

101. If the decree adjudging the proprietary right in the estate of the defaulter forfeited, shall be confirmed under Section 16, it shall be at the option of the Governor General in Council, either to confer such right upon the heirs of the defaulter, on their agreeing to make good all sums whatever that may be due to Government from the defaulter on account of the estate, and to pay the fixed revenue assessed upon it; or, to dispose of it at public sale subject to the payment of such revenue. If the estate shall be conferred upon the heirs of the defaulter, he

If the forfeiture should be confirmed the Governor General in Council to confer the estate on the heirs of the defaulter, or dispose of it at public sale.

is to be immediately released, if he should be in confinement. If the estate shall be disposed of at public sale, the proceeds of the sale are to be appropriated towards the discharge of the demands of Government, either on account of the public revenue, the expence attending the deputation of the ameen, or other charges incurred in consequence of the default of the former proprietor. If no such demand shall be outstanding at the time of the sale, or if any such demand should be due, and the proceeds shall exeeed the amount of it, the whole of the proceeds in the first mentioned case, and the overplus in the second, is to be carried to be public account, or applied in any other manner that the Governor General in Council may direct. —*Reg.* XIV. 1793, *Sect.* 18.—*Extended to Benares by Sect.* 25, *Reg.* VI. 1795;—*to the Ced. Prov. by Sect.* 25, *Reg.* XXVII. 1803.

Provisions against disobedience or resistance in Regulation XIV. 1793, equally applicable under the present Regulation.

102. The provisions contained in Sections 15, 16, 17, 18, 19, 20, and 21, of Regulation XIV. 1793, for cases of disobedience or resistance to the processes against defaulting proprietors, or farmers and their sureties, and authorized by that regulation, are declared equally applicable to cases of disobedience or resistance to the processes authorized by the preceding Sections of this Regulation; as however under Section 2, of Regulation V. 1798, the decrees of the provincial Courts of appeal are declared final to the amount of five thousand Sicca Rupees, that amount instead of one thousand rupees, (beyond which sum the judgments of the provincial Courts were appealable to the Sudder Dewanny Adawlut when Regulation XIV. 1793, was enacted) is to be considered the standard for appeals to the Sudder Dewanny Adawlut, instead of one thousand Rupees, as specified in Sections 16, 19, and 21, of that Regulation. The same principle is to be applied to all other parts of the Regulations, in which an appeal was authorized to the Court of Sudder Dewanny Adawlut, antecedent to the enaction of Regulation V. 1798, for the limitation of appeals to that Court.—*Reg.* VII. 1799, *Sect.* 24.

Limitation of appeals to the Sudder Dewanny Adawlut under Regulation V 1798.

Above limitation applicable to all cases of appeal to the Sudder Dewanny Adawlut.

Joint proprietors of estates committed to the charge of a manager, not to be confined under this regulation for demand of Government.

Lands of disqualified proprietors

103. No part of this regulation, is to be construed to authorize the confinement of the persons of any joint proprietor of an estate committed to the charge of a manager, under Sections 23, 24, 25, 26, Regulation VIII. 1793. Nor the confinement of the persons, or the sale of the lands, of disqualified proprietors, whose estates may be entrusted to a manager under Regulation

X. 1793, for arrears of public revenue incurred whilst their respective estates were under the charge of managers, in conformity to the rules contained in the two regulations abovementioned. Nor to empower the Collectors to take a female proprietor of land into custody, or order any such proprietor to attend them in person, under any pretext whatever. Nor to take into custody, or require the personal attendance of any proprietor of land, with whom a settlement has been or may be concluded, or any farmer of land or his surety, except in the cases specified in this regulation, in which they are expressly authorized to issue process against their persons. Arrears of revenue that may become due from female proprietors of entire estates, who may be exempted from the operation of Regulation X. 1793, and acknowledged as the ostensible managers of their own lands: and from proprietors of joint undivided estates committed to the charge of a manager, in conformity to Sections 23, 24, 25, 26, Regulation VIII. 1793, are to be recovered by sale of their lands, or any other property which they may possess.—*Reg.* XIV. 1793, *Sect.* 48.—*Extended to Benares by Sect.* 53, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 50, *Reg.* XXVII. *and Sect.* 6, *Reg.* LII. 1803.

committed to the charge of a manager, not to be sold for demands of Government, nor their persons to be confined, under this regulation.

Female proprietors not to be confined, or required to attend in person in any case whatever.

Other proprietors and farmers of land, not to be taken into custody, or required to attend in person, except in the cases herein mentioned.

Demands of Government due from female proprietors, exempted from the operation of Regulation X. 1793, and from proprietors of joint undivided estates, under charge of a manager how to be recovered.

104. The restrictions contained in Section 48, of Regulation XIV. 1793, against the confinement of joint proprietors of estates committed to the charge of managers appointed by the Board of Revenue, as well as against the confinement of disqualified landholders, and female landholders of every description, are to be considered, in full force, under the present regulation, as are all the rules in Regulation XIV. 1793, with respect to the personal responsibility of the Collectors and other public officers, for the due exercise of the powers vested in them, which have not been expressly rescinded or modified by any other regulation.—*Reg.* VII. 1799, *Sect.* 27.

Restrictions in Regulation XIV. 1793, against confinement of certain descriptions of landholders still in force,

As well as all rules, not rescinded, for the responsibility of the Collectors and other public officers.

105. If the crops in any estate, or farm, shall have been damaged or destroyed by drought, inundation, or other calamity of season, or from any cause not originating in the neglect, mismanagement, or misconduct, of the proprietor or farmer; and such proprietor or farmer shall fall in arrears so as to subject himself to be confined under Section 4, and the Collector shall be satisfied from the best information which he may be liable to obtain, that the defaulter is unable to make good the arrears by the period limited in the written demand

Cases in which the Collector is directed to suspend the exercise of the powers vested in him by Section 4.

for the payment of them, required to be issued under Section 3, either from the collections on account of such year from his estate or farm, or from his private funds, or property, or by a loan; he is directed to suspend the exercise of the powers vested in him in the first mentioned section for the confinement of the defaulter. But the Collector is immediately to report the circumstances of the case to the Board of Revenue, with his reasons for not proceeding against the defaulter as required in that section.—*Reg.* XIV. 1793, *Sect.* 8.—*Extended to Benares by Sect.* 13, *Reg.* VI. 1795.

In what cases the Collectors are to suspend exercise of the powers hereby vested in them.

106. The discretion given to the Collectors by Section 8, of Regulation XIV. 1793, to suspend the exercise of the powers vested in them by that regulation in cases of drought, inundation, or other calamity of season, or cause of failure not originating in the neglect, mismanagement, or misconduct of the defaulter, is to be considered equally applicable to similar cases under the present regulation; and the Collector in such cases is to suspend the exercise of the powers now vested in him: but, as before required, he is immediately to report the circumstances to the Board of Revenue, with his reasons for not proceeding against the defaulter as directed, and is to be guided by their instructions. The Board of Revenue may suspend enforcement of the current kists as well as of the interest due thereupon, in such cases; but are not to grant any ultimate remission of the amount demandable on the permanent assessment without the sanction of the Governor General in Council, as already directed in Section 43, of Regulation II. 1793.—*Reg.* VII. 1799, *Sect.* 23, *Cl.* 7.

Report to be made to the Board of Revenue in such cases.

Board may suspend current kists and interest.

But not grant any remission on the permanent assessment without the sanction of Government.

SECT. XVI.

Confinement of Defaulting Farmers and Sureties.

[The rules for the confinement of defaulting farmers are the same as those for the confinement of defaulting proprietors, Sect. 5, Reg. XIV. 1793, and are given in Par. 95.]

In what cases farmers and their sureties may be arrested without the previous demand directed in Section 3, of Regulation XIV. 1793.

107. If the farmer shall have given security, and the Collector have no reason to believe that he will abscond, he is not to issue the process prescribed in Section 5, of Regulation XIV. 1793, for the confinement of the defaulter, or his surety, until the defaulter has been served with the written demand for the arrear directed in Section 3, of the above Regulation, but

if the Collector have reason to believe that the defaulter or his security, is prepared to abscond, he is authorized to issue the process prescribed in Section 5, of the above regulation, both against the defaulter and his surety, without having issued the previous demand directed in Section 3, of the above regulation; and in like manner, if the tehseeldar, or other mofussil officer entrusted with the collections, shall have reason to believe that any defaulting farmer whose revenue may be payable to him, or his surety, is prepared to abscond, so as not to allow time for his making report to the Collector as directed in Section 13, of Regulation III. 1794, he is authorized to arrest such defaulter and his surety, without waiting for the Collector's process under Section 5, of Regulation XIV. 1793, by a similar process under his own seal and signature; and to cause the party arrested to be immediately conveyed to the Collector, to be further proceeded against as directed in the above regulation. Instead however of carrying the defaulter forthwith to the jail of the Dewanny Adawlut as directed in Section 5, of Regulation XIV. 1793; the Collector, if the defaulter shew any disposition to adjust and satisfy the demand upon him, is at liberty to keep him in the custody of peons during a period not exceeding ten days from the date of his arrival at the Collector's station; at the expiration of which period, if the arrear be not paid, or satisfaction given for the immediate payment thereof, so as to induce the Collector to release the defaulter, he is to be brought before the Judge of the Dewanny Adawlut, and confined in the jail of that court as directed in the Section above-mentioned. This qualification of the rule contained in that Section, is to be considered applicable to all cases under the original rule, or to which it may be extended by the present or any other regulation; but it is not meant to restrict the Collectors from observing the original rule in any instances where the defaulter may shew no disposition to adjust and satisfy the demand upon him: or where, for any other reason, it may appear to them objectionable to suspend the confinement of the defaulter or his surety.—*Reg.* VII. 1799, *Sect.* 23, *Cl.* 2.

In what cases and for what period the Collector may keep defaulting farmers and their sureties under custody of peons, instead of having them confined in the jail of the Dewanny Adawlut.

This qualification of Section 5, Regulation XIV. 1793, made general.

But not restrictive on the Collectors

108. If any proprietor or farmer of land, against whom the Collector may issue the process specified in Section 5, shall be or reside, in either of the cities of Patna, Dacca, or Moorshedabad, the Collector is to order the two peons whom he may

How the process in Section 5, is to be served on defaulters being or residing in the cities of Patna, Dac-

ca, Moorshedabad, or Calcutta.

charge with the writing for the apprehension of the defaulter, to proceed to the Judge of such city, who is to order a peon to accompany them to point out the place of residence of the defaulter. The two peons are to take the defaulter into custody and convey him to the jail of the Dewanny Adawlut of the city, in which they may so apprehend him. The remainder of Section 5, with regard to cases in which defaulters shall not reside or be within the limits of the zillah, wherein the lands on account of which the arrears may be due, shall be situated, is to be considered equally applicable, as if the defaulter had been apprehend in any zillah, instead of in such city. If any defaulter of either of the descriptions before mentioned in this section, shall be or reside within the limits of the town of Calcutta, the Collector is to forward the written demand for the amount claimed from the defaulter to the Board of Revenue, who are to submit it to the Governor General in Council. Upon the receipt of the writing the Governor General in Council, will either order the defaulter to be apprehended, and conveyed to the jail of the Dewanny Adawlut of the zillah, from the Collector of which the written demand may have issued, or adopt such other measures as may appear to him proper. If the Governor General in Council, shall cause the defaulter to be apprehended, and conveyed to the jail of the Dewanny Adawlut of the zillah above-mentioned, he is thenceforward to be considered exactly in the same predicament, as if he had been apprehended within the limits of such zillah, and conveyed to jail by the Collector of it, under Section 5.—*Reg.* XIV. 1793, *Sect.* 45.

Collector how to proceed when a farmer refuses to obey or resists the process issued by him under Section 5, or escapes from the peons, or prevents the process being served upon him.

109. If a Collector shall issue the process prescribed in Section 5, against any farmer of land, to convey him to jail on account of arrears of public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted; the peons deputed by the Collector to convey him to jail, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the Collector who may issue the writing, shall immediately represent the circumstances through the vakeel of Government, to the Dewanny Adawlut of the zillah, wherein the lands on account of which the arrears shall be due may be situated, and, upon the peons deputed to execute the process, or any two or more

credible persons, making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the Court, within four weeks calculating from the day following the date of the publication. The publication is to be written in the Persian and Bengal languages if the farm of the defaulter shall be in Bengal or Orissa, or, in the Persian language, and the Hindoostanee language and Nagree character, if it be situated in Behar, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, if it be within the limits of the zillah, or the principal cutcherry in the farm, and in the office of the Collector, and the Court room of the Dewanny Adawlut. The Collector is to continue the ameen directed to be deputed in Section 6, to collect the rents and revenues of the farm of the defaulter, in the same manner as if the process issued under Section 5, had been duly served, and obeyed by him. If the defaulter shall not surrender himself, before the expiration of the period limited in the publication, or, if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence, and that which the Collector may adduce in support of his representation, if it shall be proved to the satisfaction of the Court, that the defaulter is guilty of the charge, the Court shall decree the lease of the farmer annulled from the expiration of the Bengal, Fussily, or Willaity year, (according as the farm may be situated in Bengal, Behar, or Orissa,) in which the decree may be passed. If the defaulter shall not appeal to the provincial Court of appeal, within the time limited for preferring appeals to that Court, in Section 12, Regulation V. 1793, the Court is immediately to transmit to the Governor General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the provincial Court of appeal within the prescribed time, and that Court shall confirm the decision of the zillah Court, or if the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for

Judge, upon the charge appearing to him well founded,

To issue a publication requiring the defaulter to deliver himself up to the Court in four weeks.

In what language the publication is to be written, and where and when it is to be fixed up.

Ameen directed to be deputed in Section 6, to be continued.

Decree to be passed by the zillah Court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

Court to transmit the decree and proceedings to the Governor General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the zillah Court be confirmed, the provincial Court to transmit a copy of the decree and proceedings to the Governor General in Council, in the

event of the defaulter not appealing in time to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed in case the suit should be appealed to them, and they should confirm the decision of the provincial Court.

Collector how to proceed if the zillah Court should adjudge the charge not proved.

Rules for cases in which the provincial Courts of appeal, may reverse such decisions of the zillah Courts.

Rules for cases in which the charge may be adjudged proved, in the zillah Court, and the provincial Court of appeal shall reverse the decision.

preferring appeals to that Court, in Section 10, Regulation VI. 1793, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the zillah Court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial Court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the provincial Court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial Court of appeal, to the Governor General in Council. If the Judge of the zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process in Section 5, had been duly served upon him, and he had obeyed it, and the Collector is immediately to obtain from the Court, a copy of the decree and proceedings, and transmit them with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it, or not, as may appear to them proper. If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial Court should reverse the decision of the zillah Court, and adjudge the lease annulled, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or, if it shall be appealable, and an appeal shall not be preferred within the limited time, the provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the zillah Court, to the Governor General in Council. If the Judge of the zillah Court shall decree the charge proved, and the decision shall be reversed in the provincial Court, the Collector is immediately to transmit a copy of the decrees and proceedings of the zillah Court, and the provincial Court of appeal, with a letter stating his objections to the decree of the latter Court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut, (provided the cause shall be appealable) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that Court should reverse the decision of the provincial Court, and adjudge the lease annulled, the Court are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the

provincial Court of appeal, to the Governor General in Council. That no doubt may be entertained, from what decrees passed by the provincial Courts of appeal under this section, an appeal shall be admitted to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last mentioned Court, unless the jumma paid or payable to Government by the defaulter, on account of the year in which the decrée of the zillah Court may be passed, shall exceed one thousand Sicca Rupees, and the Collector is enjoined to state generally in the representation which he is above directed to make to the zillah Court, whether the jumma paid or payable by the defaulter in such year, exceeds or is less than one thousand Sicca Rupees, but without specifying the exact amount of it; and the rules prescribed in Section 16, regarding objections that may be offered to the statement of the produce of the estates of contumacious proprietors, which the Collectors are therein directed to present to the zillah Court, are to be held applicable to the statement of the jumma payable by defaulting farmers, required to be submitted by the Collectors in this section.

Rule for determining from what decrees of the provincial Courts of appeal passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

Decrees that may be passed under this section by the Dewanny Adawlut of any zillah or any provincial Court of appeal, or the Sudder Dewanny Adawlut, adjudging the lease of a farmer annulled, shall not be carried into execution in any case whatever without an order from the Governor General in Council confirming the decree. It shall be at the option of the Governor General in Council within four weeks after the decree may be received by him, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as upon a consideration of the situation and circumstances in life of the defaulter he may think adequate to the offence for which the decree may be passed; or, if the defaulter shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed on the defaulter, the Court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process by which they are directed to enforce decrees of the court and to pay the amount to the Collector of the zillah.

Decrees passed under this section not to be carried into execution without the sanction of the Governor General in Council.

If the lease shall be judged annulled, the Governor General in Council may confirm the decree, or commute the annulling of the lease for a fine within four weeks after he may receive the decree.

If the decree shall be commuted for a fine, how it is to be levied.

But if the Governor General in Council shall not within four weeks after the decree shall have been received by him, either order it to be executed, or commute the annulling of the lease for a fine, the decree shall stand good against the defaulter.

Process and appeals under this section to be conducted by the vakeel of Government on the part of the Collector and at the public expence.

The process which a Collector may institute in the Dewanny Adawlut of the zillah under this section, as well as any appeal that may be preferred from the decision of the zillah Court to the provincial Court of appeal, and from the decision of that Court to the Sudder Dewanny Adawlut in which the Collector may be appellant or respondent, are to be defended or carried on at the public expence and by the vakeel of Government, whom the Collector is to furnish with the necessary instructions.—*Reg.* XIV. 1793, *Sect.* 19.—*Extended to Benares by Sect.* 26, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 26, *Reg.* XXVII. 1803.

Accounts with the defaulter how to be settled if the lease should be annulled.

Balance, if any due, to be levied from him and his surety.

110. If the lease of the defaulter mentioned in Section 19, shall be annulled, he shall receive credit for the collections of the ameen after deducting the charges incurred by his deputation which may be admitted; and if any balance shall then remain due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the Collector is to serve the surety with the written demand prescribed in Section 3, for the amount, and in event of it nor being discharged by the time limited in the writing, the Collector is to proceed against the surety, and the defaulter also if he shall be forthcoming and should not have been previously confined, in the manner in which he is directed to proceed in Sections 4, and 5, against defaulters who have not discharged a third part of the instalment of any one month by the fifteenth of the ensuing month.

Surplus, if any, to be paid to the defaulter.

Defaulter to be at liberty to prosecute dependant talookdars, under-farmers and ryots for arrears in the Dewanny Adawlut of the zillah.

If there shall be a surplus after discharging all the demands above-mentioned, it is to be paid to the defaulter. The defaulter shall be at liberty to prosecute in the zillah Court the dependant talookdars, under-farmers, and ryots in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him on account of the period during which his lease remained in force.—*Reg.* XIV. 1793, *Sect.* 20. —*Extended to Benares by Sect.* 27, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 27, *Reg.* XXVII. 1803.

Collector how to proceed when sureties of proprietors or farmers of land refuse to obey

111. If a Collector shall issue the process prescribed in Section 5, against the surety of any proprietor or farmer of land, to convey him to jail, and such defaulting surety shall refuse

to obey, or resist, or cause to be resisted, the peons deputed by the Collector to convey him to jail, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that the process cannot be served upon him, the Collector who may issue the process is immediately to represent the circumstances through the vakeel of Government to the Dewanny Adawlut of the zillah wherein the lands on account of which the arrears shall be due may be situated; and upon the peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter by a publication in writing to deliver himself into the custody of the Court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian and Bengal languages, if the estate or farm on account of which the money may be due from the defaulter shall be in Bengal or Orissa, or, in the Persian language, and the Hindostanee language and Nagree character, if it be situated in Behar, and shall be fixed up as early after the date of it as may be practicable, at his usual place of abode, if it be within the limits of the zillah, and in the principal cutcherry in the estate or farm, the office of the Collector, and the Court-room of the Dewanny Adawlut. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or, if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence, and that which the Collector may adduce in support of his representation, if it shall be proved to the satisfaction of the Court that the defaulter is guilty of the charge, the Court shall adjudge him to pay a fine according to the nature of the offence and his situation and circumstances in life. If the defaulter shall not appeal to the provincial Court of appeal within the time limited for preferring appeals to that Court in Section 12, Regulation V. 1793, the Court is immediately to transmit to the Governor General in Council a copy of the decree and of all the pro-

or resist the process issued by him under Section 5, or escape from the peons, or prevent the process being served upon them.

Judge, upon the charge appearing to him well founded,

to issue a publication requiring the defaulter to deliver himself up to the Court within four weeks.

In what language the publication is to be written, and where and when it is to be fixed up.

Decree to be passed by the zillah Court in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

Court to transmit the decree and proceedings to the Governor General in Council if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal and the decision of the zillah Court be confirmed, the provincial Court to transmit a copy of the decree and proceedings to the Governor General in Council in the event of the defaulter not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed in case the suit should be appealed to them, and they should confirm the decision of the provincial Court

Collector how to proceed if the zillah Court should adjudge the charge not proved.

Rules for cases in which the provincial Court of appeal may reverse such decisions of the zillah Courts.

Rules for cases in which the charge may be adjudged proved in the zillah Court, and the provincial Court of appeal shall reverse the decision.

ceedings respecting the charge. If the defaulter shall appeal to the provincial Court of appeal within the prescribed time, and that Court should confirm the decision of the zillah Court, or, if the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that Court in Section 10, Regulation VI. 1793, the provincial Court of appeal is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the zillah Court to the Governor General in Council. If an appeal shall be received from the decision of the provincial Court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the provincial Court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial Court of appeal to the Governor General in Council. If the Judge of the zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement in the same manner as if the process prescribed in Section 5, had been duly served upon him, and he had obeyed it; and the Collector is immediately to obtain from the Court a copy of the decree and proceedings, and transmit them with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it or not as may appear to them proper. If that Board should order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial Court of appeal should reverse the decision of the zillah Court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or, if it should be appealable, and an appeal shall not be preferred within the limited time, the provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings in the zillah Court, to the Governor General in Council. If the Judge of the zillah Court shall decree the charge proved, and the decision shall be reversed in the provincial Court, the Collector is immediately to transmit a copy of the decrees and the proceedings of the zillah Court and the provincial Court of appeal, with a letter stating his objections to the decree of the latter Court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable)

or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that Court should reverse the decision of the provincial Court, and adjudge the defaulter to pay a fine, the Court is immediately to transmit a copy of its decree and proceedings, and of the decrees and proceedings received from the provincial Court of the Governor General in Council. And that no doubt may be entertained, from what decrees passed by the provincial Courts of appeal under this Section, an appeal shall lie to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last mentioned Court, unless the fine adjudged to be paid by the defaulter, shall exceed one thousand Sicca Rupees. Decrees that may be passed under this section by the Dewanny Adawlut of any zillah, or any provincial Court of appeal, or by the Sudder Dewanny Adawlut, adjudging a fine to be paid by a surety, are not to be carried into execution in any case whatever without an order from the Governor General in Council confirming the decree. It shall be at the option of the Governor General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed, or to alleviate the fine. The Court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine that may be imposed upon the defaulter, is to levy the amount of it by the same process by which it is directed to enforce decrees of the Court, and to pay the amount to the Collector of the zillah. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed, or alleviate the fine, the decree shall stand good against the defaulter, and the Court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving directions for that purpose, is to levy the amount of the fine in the manner above prescribed. The process which the Collector may institute in the Dewanny Adawlut of the zillah under this section, as well as the appeals that may be preferred from the zillah Court to the provincial Court of appeal, and from the decision of that Court to the Sudder Dewanny Adawlut, in which the Collector may be appellant or respondent, are to be defended or carried on by the vakeel of Government, and at the public expence.—*Reg.*

Sudder Adawlut how to proceed in the event of its reversing such decision of the provincial Court.

Rule for determining from what decrees of the provincial Courts of appeal passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

Decrees passed under this section, not to be carried into execution without the sanction of the Governor General in Council.

Option reserved to the Governor General in Council, of confirming or alleviating the fine, within four weeks after the decree may be received by him

If the fine shall be confirmed or alleviated, by what Court and how it is to be levied.

Process and appeals instituted under this section, to be conducted by the vakeel of Government on the part of the Collector, and to be carried on at the public expence.

XIV. 1793, *Sect.* 21.—*Extended to Benares by Sect.* 28, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 28, *Reg.* XXVII. 1803.

Collectors how to proceed, if an arrear of revenue shall be due from a farmer of land at the close of the year, whether he be confined or not.

Bengal, Behar, Orissa.

112. If a farmer of land shall be confined in jail by the Collector, under the powers vested in him by Sections 4 and 5, and the ameen shall not by the close of the year, have realized from the farm, a sum sufficient for the liquidation of the balance due to Government, and all the admitted charges incurred in consequence of his deputation: or if any balance shall remain due at the close of the year, from any farmer who may not be in confinement, the Collector is to demand the payment of it from the surety, and also from the defaulter, and in the event of it not being discharged, by the period by which it may be required to be liquidated, in the written demand that is to be served upon the surety, the Collector is to proceed against the defaulter, (if he shall not have been previously confined for the demand,) and his surety, in the manner in which he is directed in Sections 4 and 5, to proceed against defaulters who may not have discharged a third part of the instalment of any one month by the fifteenth of the ensuing month: and it shall be optional in the Governor General in Council, either to cancel the lease from the commencement of the year following the year for which the balances on account of which the defaulter and his surety may be confined, or to compel them to perform the conditions of the lease, until the term of it shall expire. If the Governor General in Council shall annul the lease, the defaulter is to be at liberty to prosecute the dependant talookdars, under-farmers, or ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.—*Reg.* XIV. 1793, *Sect.* 23.

Arrears due from farmers at the close of the year to be recovered by a sale of their property and that of their sureties.

Ditto.

And the lease of the defaulter may be annulled.

113. If any arrear remain due from a farmer of land at the close of the current year, any land or property belonging to the defaulter, or his surety, is to be brought to public sale as soon as possible after the close of the year, according to the rules prescribed for such sales, and as provided in Section 23, of Regulation XIV. 1793, it will be at the option of the Governor General in Council either to cancel the lease of the defaulter from the commencement of the ensuing year, or to compel the defaulter, or his surety, to perform the conditions of the lease until the term of it shall expire. If the Governor General in

Defaulter after

Council shall annul the lease, the defaulter, after making good the arrear due from him to Government, is to be at liberty to prosecute the dependant talookdars, under-farmers, or ryots, included in his farm for any arrears of rent due to him on account of the period during which his lease remained in force, as provided in the latter part of the Section above-mentioned, the preceding part of which is superseded by the rules now enacted. The provisions contained in Section 24, of Regulation XIV. 1793, respecting the attachment of the landed property or sureties for farmers of land or of sureties for proprietors of land (in cases where they may have given security,) are moreover still to be considered in full force (under the alterations made by this regulation with respect to the attachment and sale) when the persons for whom they are bound may be confined, or their lands and farms attached under this regulation; and the above rule is hereby extended to landed property of defaulting farmers, which can be attached: and which in such case is to be brought under attachment at the same time that their farms are attached under the present regulation, subject to the same provisions for withdrawing the attachment on payment of the arrear.—*Reg.* VII. 1799, *Sect.* 23, *Cl.* 6.

paying his arrear to Government may sue for recovery of any rents due to him.

Section 24, of Regulation XIV. 1793, respecting attachment of lands of sureties still in force.

And extended to landed property of farmers.

Subject to provisions in this Regulation.

114. When a Collector shall proceed to confine the surety of any proprietor or farmer of land, in the cases authorized in this regulation, he is immediately to cause such portion of the defaulter's lands, as he may estimate to be sufficient to make good the amount of the demand, in the event of their being sold, to be attached under the rules prescribed in Section 6, for the attachment of the lands of defaulting proprietors. If the surety shall not possess any landed property in his zillah, the Collector is to depute an ameen into the zillah in which the defaulter may have landed property, with a letter stating the amount of the demand on him, and the property to be attached. The Collector of such zillah, is immediately to order a peon to point out the property to the ameen, who is to keep it in attachment, until the Board of Revenue shall have obtained the sanction of the Governor General in Council for the sale of it. The ameen is to apply the amount of the collections from the lands, after deducting the expences of his establishment, towards the discharge of the public revenue, which he is to pay to the Collector of the zillah in which the lands may be situated. If any surplus shall remain after making good the

Collector to attach lands of sureties, whom he may proceed to confine, sufficient to answer the demand against them.

How the Collector is to proceed if the surety possesses no lands in his zillah.

public dues, it is to be appropriated towards the discharge of the demand, on account of which the attachment of the lands may have been made. If the property of the surety that may be attached, shall be too inconsiderable to admit of its being charged with the expence of an ameen, the Collector to whom the money due from the surety may be payable, is to apply to the Collector of the zillah in which the lands may be situated, to order the nearest tehseeldar or native officer employed under him in the business of the collections, to take charge of the lands, and the Collector to whom the application shall be made, is to comply with it and the tehseeldar or native officer to whose charge he may commit the lands, is to perform the duties prescribed to the ameen in Section 6, and under the same restrictions and penalties. The Collector of the zillah in which the lands may be situated, is not to be liable to any prosecution on account of the attachment, but the Collector in conformity to whose application the attachment may take place, is to be responsible for the consequences, in the same manner as if the lands had been situated in his own zillah.

Board of Revenue to apply for permission to sell the lands of the surety.

The Board of Revenue are to apply to the Governor General in Council, for his sanction for the sale of the lands belonging to the surety, either during the course of the year in which they may be attached, or after the close of it, as they may deem advisable.—*Reg.* XIV. 1793, *Sect.* 24.—*Extended to Benares by Sect.* 30, *Reg.* VI. 1795;—*to the Ceded Provinces by Cl.* 1, 2, 3, *Sect.* 30, *Reg.* XXVII. 1803.

SECT. XVII.

Prosecution of the Collector by Defaulters confined.

Proprietors and farmers of land how to recover sums exacted from them beyond their engagements.

115. That proprietors and farmers of land may be enabled to recover sums that may be exacted from them by the Collector on the part of Government, above what they may be bound to pay by their engagements, and that they may be indemnified from all loss they may sustain by such exactions, it is declared, that if a Collector shall demand a sum of money from proprietor or farmer of land, on account of arrears in the manner prescribed in Section 3, Regulation XIV. 1793, and the proprietor or farmer shall deny, by a writing to that effect addressed to the Collector, the justness of the whole or a part of the demand, but to prevent any further process being issued

against him, shall discharge the whole of the demand, the proprietor or farmer shall be at liberty to sue the Collector in the Dewanny Adawlut of the zillah for the recovery of the sum which he may consider to have been unjustly taken from him, and the Court shall give judgment in favour of the complainant for all such sums as may be proved to have been unduly exacted from him, and the amount of such judgment shall be refunded to him from the public treasury of the zillah, with interest at the rate of twelve per cent. per annum, from the date of the exaction, to the date of the decree. All the rules in Regulation XIV. 1793, respecting suits instituted against a Collector for sums actually received by him on the part of Government from any proprietor or farmer of land, or from the surety of any farmer, are to be considered applicable to suits that may be instituted against a Collector under this section. —*Reg.* III. 1794, *Sect.* 12.—*Extended to Benares by Sect.* 23, *Reg.* V. 1800;—*to the Ceded Provinces by Sect.* 15, *Reg.* XXVII. 1803.

What rules in Regulation XIV. 1793, are to be considered applicable to suits instituted against the Collector under this section.

116. Any person confined for arrears of revenue, or other demands of Government, under this regulation, either pursuant to a judicial decree, or without such decree, is to be at liberty to apply to the Judge of the Court of Dewanny Adawlut of the zillah, by the Collector of which he may have been confined, to require such Collector, to show cause why he is continued in confinement. If the person making such application, shall be confined under a decree passed by the Sudder Dewanny Adawlut, or of the zillah Court, or the provincial Court of appeal, and the time prescribed for appealing from the decision shall have elapsed, the Judge is not to enter into the merits of the case, but only to enquire, whether the prisoner has discharged the amount of the decree, and the sums which may have become due from him subsequent to his confinement. If the prisoner shall not be confined under a judicial decree, but under the process which the Collectors are empowered by this regulation, to issue for conveying persons to jail for claims of Government, and he shall dispute the justness of the demand, the Judge is not to enquire into the merits of the case, but is to leave the prisoner to prosecute the Collector under Section 12, which is hereby extended to demands on sureties, and purchasers of land, as far as it can be applied to them. If however the prisoner shall admit the justness of

Judges empowered to require Collectors to show cause why a defaulter is continued in confinement under a judicial decree, and how to proceed in such cases.

Rule applied where a person is confined without a judicial decree.

the demand for which he was confined, as well as any other claims that may be made upon him, for sums stated to have become due from him subsequent to his confinement, and shall assert that the whole of such sums have been discharged by him, the Judge is to proceed to enquire, whether the prisoner has actually paid such sums or not. Upon examination of the prisoner's accounts of his payments, (which examination is to be considered as a continuation of the original suit or process, and not as a new suit or process,) if it shall appear to the Judge, that the demands for which he may be in confinement, have been liquidated, he is to release him, upon his giving security to make good any sum which the Collector may state to be still due from him, in the event of the cause being appealed, and the sum being awarded in favour of Government. If the Collector shall not object to the adjustment of accounts made by the Court, or, if he shall object to them, and the person confined shall omit to give the security above required, and the Collector shall not appeal within the time limited for preferring appeals, the Judge is to release the prisoner without taking any security. If it shall be found that the whole, or a part of the sum for which such person may be in confinement, remains undischarged, and he shall acquiesce in the adjustment of accounts made by the Court, and shall have been confined on account of such demand, for a term exceeding one year, the Judge is empowered to release him, upon his giving good security to pay the sum remaining due from him, by instalments during the course of one year after his release. The Collector, and the prisoner, are to be allowed to appeal from the decision which may be passed by the Court under this section, in the event of either of them being dissatisfied with it, under the rules regarding appeals prescribed in Regulations V. and VI. 1793. The rules prescribed to Collectors in Section 30, regarding the decisions therein specified, are to be considered applicable to all decisions passed under this section. —*Reg.* XIV. 1793, *Sect.* 29.—*Extended to Benares by Sect.* 35, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 32, *Reg.* XXVII. 1803.

Collector how to proceed in case of his being cast in a prosecution instituted against him in the zillah Court on account of sums

117. Upon a decision being passed in the Dewanny Adawlut of any zillah, by which the whole, or any part, of a sum of money that may have been demanded, or actually received, by a Collector, as an arrear of revenue under this regulation,

from any proprietor or farmer of land, shall be adjudged not to be due, the Collector is to apply immediately to the Court, through his vakeel, for a copy of the proceedings and decree. The Court is to order copies of the proceedings and decree, to be delivered to the Collector with all practicable dispatch. The Collector is to forward the papers, without delay, to the Board of Revenue, with a letter stating his objections to the decree. If the Board shall be of opinion that the decision is not well founded, they are to authorize the Collector to appeal the cause to the provincial Court of appeal.* If that Court shall confirm the decision of the zillah Court, the Collector is to apply for, and the Court is to grant, a copy of their proceedings and decree in appeal, exclusive of the decree and proceedings received from the zillah Court. The Collector is to forward the decree and proceedings of the provincial Court, to the Board of Revenue, with a letter containing his objections to the decree of that Court. If the Board shall be dissatisfied with the decision of the provincial Court of appeal, and the cause shall be appealable to the Sudder Dewanny Adawlut, they are to direct the Collector to prefer an appeal to that Court. If the Board of Revenue are satisfied with the decision of the provincial Court of appeal, they are to direct the Collector not to prefer an appeal to the Sudder Dewanny Adawlut. In all cases in which the Board of Revenue may order the Collector to prefer an appeal to the provincial Court, the Collector is to be indemnified by Government, for all costs and damages that may have been awarded against him by the zillah Court. On the other hand, if the Board of Revenue shall deem the decision of the zillah Court equitable, and not direct an appeal, the Collector is to defray all the costs and damages that may have been awarded against him in that Court. The Collector is nevertheless to be at liberty to appeal the cause, but at the risk of paying all costs and damages that may be adjudged against him in appeal, in the event of his being ultimately cast. Appeals in which the Collectors may be engaged, either in the provincial Court of appeal, or the Sudder Dewanny Adawlut, in consequence of orders from the Board of Revenue, are to be carried on by the vakeel of Government, and at the public expence.—*Reg.* XIV. 1793, *Sect.* 30.—*Extended to Benares by*

demanded or received by him as arrears of revenue.

Collectors to be indemnified for all expences incurred in suits in the zillah Court, from the decision on which the Board of Revenue may direct an appeal.

* Vide the note at the foot of page 221

Sect. 36, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 33, *Reg.* XXVII. 1803.

If persons prosecuting under Sections 9, 10, 12, 14, 22 or 29, shall be cast and appeal, the Collector is to nominate one of the vakeels of the provincial Court of appeal, to defend the appeal.

If the decision of the zillah Court should be confirmed, and the cause be appealed to the Sudder Dewanny Adawlut, and an appeal be admitted, the Collector is to appoint one of the vakeels of that Court to defend the appeal.

Collector how to proceed, if the provincial Court should not confirm the decision of the zillah Court.

Board of Revenue to order the Collector to appeal, if they think the decision of the provincial Court not well founded.

If the Board of Revenue shall not direct an appeal, the Collector is to be at liberty to appeal but at his own risk.

All appeals preferred by the Collector under this section agreeably to the orders of the Board of Revenue, to be carried on by the vakeel of Government and at the public expence.

118. If a Collector shall be prosecuted under Sections 9, 10, 12, 14, 22 or 29, and the prosecutor shall be cast, or be dissatisfied with the decision of the Judge of the Dewanny Adawlut of the zillah, and appeal to the provincial Court of appeal, the Collector is to appoint one of the vakeels of the Court to plead the cause. If the decree of the zillah Court shall be confirmed, or the appellant should be dissatisfied with the decision of the provincial Court of appeal, and appeal to the Sudder Dewanny Adawlut, and an appeal should be admitted, the Collector is to appoint one of the pleaders in that Court to defend the suit. If the provincial Court of appeal shall not confirm the decision of the zillah Court, the Collector is to apply to the provincial Court, for a copy of the proceedings and decree of the zillah Court, and of their proceedings and decree in the appeal. The Courts are to furnish the Collector with these papers with all practicable despatch, and the Collector is to forward them to the Board of Revenue, with a letter stating his objections to the decree in appeal. If the Board shall be of opinion that the decree of the provincial Court is not well founded, they are to authorize the Collector to appeal to the Sudder Dewanny Adawlut. If the Board shall see no ground for appealing from the decision of the provincial Court of appeal, the Collector is nevertheless to be at liberty to prefer an appeal to the Sudder Dewanny Adawlut, but at the risk of paying all the costs and expences, which may be awarded against him by that Court, in the event of his being cast. All appeals that may be preferred by the Collector to the provincial Court of appeal, or to the Sudder Dewanny Adawlut, or in which he may be respondent, under this section, agreeably to the orders of the Board of Revenue, are to be carried on at the public expence, and conducted by the vakeel of Government, who is to be furnished with the necessary instructions for that purpose by the Collector.—*Reg.* XIV. 1793, *Sect.* 31.—*Extended to Benares by Sect.* 37, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 34, *Reg.* XXVII. 1803.

Collectors to appoint vakeels of the zillah Court to defend suits preferred against them under this Regulation, and to nomi-

119. In every case in which a Collector may be prosecuted in the Dewanny Adawlut of the zillah under this regulation, for sums demanded or received by him on behalf of Government, from any proprietor or farmer of land, or from any sure-

ty, or from any purchaser of land, or for any sums demanded or received, or taken, by him, directly or indirectly, for his own use, from any of the above-mentioned descriptions of persons, over and above what he may be entitled to demand on behalf of the public; or for any acts done in his official capacity that may be repugnant to this regulation, or which may not be warranted by it, and in appeals that he may have preferred without the orders of the Board of Revenue, he is to appoint any of the authorized vakeels of the Court before which the suit may be brought, to plead the cause.—*Reg.* XIV. 1793, *Sect.* 32.—*Extended to Benares by Sect.* 38, *Reg.* VI. 1795; —*to the Ceded Provinces by Sect.* 35, *Reg.* XXVII. 1803.

nate vakeels of the Courts of appeal to carry on appeals which they may have preferred without the orders of the Board of Revenue.

120. In prosecutions that may be instituted in the Dewanny Adawlut of any zillah, against the Collector of the zillah, for sums of money demanded or directly or indirectly received or taken by him for his own use from any proprietor or farmer of land, or any surety, or any purchaser of land; or for any acts done in his official capacity that may be repugnant to this regulation, or which may not be warranted by it, and that shall not involve any claims to sums received or demanded by him on behalf of Government, in conformity to this regulation, (which claims are to be made the subject of distinct suits, and are to be tried in the manner and under the rules prescribed in this regulation,) the Collector is not to forward the proceedings and decree to the Board of Revenue. The suit is to be considered entirely as a dispute of a private nature, between the Collector and the prosecutor, and the Collector is to defend it at his own risk and expence, in the same manner as individuals amenable to the Courts and not employed by Government are required to defend suits instituted against them.—*Reg.* XIV. 1793, *Sect.* 33.—*Extended to Benares by Sect.* 39, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 36, *Reg.* XXVII. 1803.

What suits instituted against a Collector under this Section, are to be considered of a personal and private nature, and how he is to defend them.

121. The Collectors are not to derive any pecuniary advantage whatever, from suits that they may institute, or which may be preferred against them in any of the Courts of justice in their official capacity, with the exception of suits in which they may be engaged under Section 33, the sums awarded to them in which they are to apply to their own use. On the other hand, it is not intended that the Collectors should sustain any loss in levying the dues of Government, in cases in which their

Collectors not to derive any pecuniary advantage from suits in which they may be engaged, except in the cases specified in Section 33.

Nor to suffer any loss if their conduct is determined to be conformable to the Regulations.

Collectors to bring to account all costs and damages that may be adjudged to them with the exception above specified.

conduct may be adjudged by a final judicial decree, to be conformable to this regulation. The Collectors are accordingly to bring to the credit of Government in their monthly accounts, all sums whatever, (with the exception above specified,) that may be adjudged to them as costs or damages by any of the Courts of civil justice, and they are to insert at the foot of their monthly accounts, or in a separate account, or in their monthly accounts under a distinct head, according as the Board of Revenue may deem advisable, all sums which they may disburse in conformity to this regulation, on account of process or suits directed to be carried on by the vakeel of Government, the costs and damages in which are expressly directed to be defrayed by the public, or in suits, the costs and damages in which may be ultimately defrayable by Government, but for which the Collectors are directed to be held responsible in the first instance. But they are in no case to charge these disbursements in their accounts, without previously obtaining the special sanction of the Board of Revenue for that purpose. Until such sanction is procured, the Collectors are to be held answerable for the disbursements.—*Reg.* XIV. 1793, *Sect.* 34.—*Extended to Benares by Sect.* 40, *Reg.* VI. 1795; —*to the Ceded Provinces by Sect.* 37, *Reg.* XXVII. 1803.

Collectors to issue from the public treasury, and to insert at the foot of their accounts, the expences of suits that are at all events to be defrayed by Government, as well as the expences of suits that may be ultimately defrayable by Government, but not to insert such expences in their accounts, without the sanction of the Board of Revenue.

Board of Revenue to report to the Governor General in Council, any cases in which a Collector may have been compelled to pay costs or damages, and for which they may be of opinion he ought not to be made responsible.

122. If a Collector shall have been compelled to pay costs or damages in any suit under this regulation, and upon his stating the case to the Board of Revenue, it shall appear to them upon a consideration of the circumstances of it, that he ought not to be made responsible for the amount, the Board are to transmit the case to the Governor General in Council, who will determine whether the Collector shall be made responsible for such costs or damages or not.—*Reg.* XIV. 1793, *Sect.* 35.—*Extended to Benares by Sect.* 41, *Reg.* VI. 1795; —*to the Ceded Provinces by Sect.* 38, *Reg.* XXVII. 1803.

Cases in which security is to be demanded from Collectors for costs or damages, or for the performance of decrees of the Court.

123. Security is not to be demanded from the Collectors for their personal appearance, in any suit in which they may be engaged under this regulation. Nor shall any security be required from them for the payment of costs, or for the performance of the decrees or orders of the Court, in suits which are directly by this regulation to be carried on by the vakeel of Government, and at the public expence. In suits for sums demanded or received by the Collector on behalf of Government, for the costs and damages in which, he is declared eventually

responsible, the Court, are to require the same security from the Collector for the payment of the costs and damages, as would be taken in similar cases from individual suitors; but they are not to require any security from him, for the performance of their decrees respecting the sums which may constitute the subject of the suits, as Government will be answerable for the due performance of them. In the suits described in Section 33, which may be instituted against the Collector, he is to give the same security for the payment of the costs and the performance of the decrees and orders of the Courts, as would be required from individual suitors in similar cases. If a Collector shall refuse, or omit, to pay within the limited period, any sum of money that may be ordered to be levied from him, either on account of the suits described in Sectoin 33, or as costs or damages in any other suits, for the expences incurred in which he is declared eventually responsible, the Court is to levy the amount from his surety by the customary process. If the Court shall not be able to obtain payment from his surety, the Judge is to report the circumstances to the Governor General in Council, who will order the amount to be paid from the public treasury, and deduct it from the allowances which may be receivable by the Collector from Government. In all other cases, if a Collector shall omit or refuse to obey any order or decree of a Court of judicature, the Court from which the process shall have issued, is to fine him according to the nature of the offence. In the event of the Collector refusing or omitting to pay the fine, the Court is to report the circumstances to the Governor General in Council, who, provided he shall approve of the fine, will order the amount to be stopped from the allowances which may be receivable by such Collector from Government.—*Reg.* XIV. 1793, *Sect.* 36.—*Extended to Benares by Sect.* 42, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 39, *Reg.* XXVII. 1803.

Courts how to proceed in the event of a Collector omitting or refusing to obey any order or decree.

124. The Board of Revenue are to issue such instructions as they may think advisable to the Collectors, regarding the mode of inserting in their monthly accounts, the sums which may be paid to them as costs and damages, in consequence of the orders or decrees of any of the Courts of civil judicature, or noting at the foot of their accounts, or charging under a separate head in their monthly accounts, the sums which they may disburse as costs or damages which are expressly directed to be defray-

Board of Revenue to issue instructions to the Collectors, regarding the mode of inserting or noting in their accounts, their receipts and disbursements in the suits herein mentioned, and to require such vouchers for the sums as they may think proper.

ed by Government, whatever may be the final decision in the cause, or that may be ultimately defrayable by Government, although in the first instance the Collectors are to be held responsible for them: and to require such vouchers as they may deem necessary for such receipts and disbursements, as well as for the sums which the Courts may adjudge to be repaid from the public treasury, or not to be due to the public.—*Reg.* XIV. 1793, *Sect.* 37.—*Extended to Benares by Sect.* 43, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 40, *Reg.* XXVII. 1803.

Process issued against Collectors under this Regulation, how to be served.

125. When any process or order, shall be issued by any of the Courts of civil judicature, to the Collector of a zillah, in suits instituted under this regulation, the register of the Court immediately serving the process or order, is to transmit it under a cover sealed in the form of a letter, and superscribed with his name and official appellation, and addressed to the Collector. The Collector is to acknowledge the receipt of the process or order, on the day on which he may receive it, by a letter addressed to the register of the Court by which it may have been served.—*Reg.* XIV. 1793, *Sect.* 38.—*Extended to Benares by Sect.* 44, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 41, *Reg.* XXVII. 1803.

Collectors allowed to forward instructions to their vakeels in the Courts of appeal, by the dawk free of postage.

126. To facilitate the communication between the Collectors and the vakeels in the provincial Courts of appeal, and the Sudder Dewanny Adawlut, who may be entrusted with the conduct of any appeals, (including appeals from decisions in the suits described in Section XXXIII.) in which they may be engaged under this Regulation, either whilst they may continue in the office of Collector of the zillah in which such suits may have arisen, or after their removal from the office, the Collectors are permitted to forward free of postage, any instructions which they may have to transmit to the vakeels of such Courts. The instructions are to be enclosed under a cover, sealed, and directed to the vakeel. The instructions so sealed and directed, are to be transmitted under a sealed cover, addressed to the register of the Court in which the cause may be depending, and superscribed with the name and official appellation of the person despatching it. The register of the Court, immediately upon receiving the instructions, is to deliver them sealed to the vakeel to whom they may be directed.

Instructions to be sealed and inclosed under a sealed cover addressed to the register of the Court.

Persons removed

Any person who may be removed from the office of Collector

of a zillah, and may have suits depending in the Dewanny Adawlut of such zillah, after his removal from the office, is likewise empowered to forward instructions to his vakeel through the register of the Court. In like manner, the vakeels in any of the Courts to whom the pleading of suits may be committed under this regulation, by persons holding the office of Collector, or after they have been removed from the office, are authorized to forward any papers which they may have to convey to their employers, by the public dawk free of postage. The papers are to be enclosed in a cover sealed with the seal of the vakeel, and the register of the Court is to transmit the papers so sealed, in a cover addressed to the person to whom they are to be forwarded, and superscribe the cover with his official signature.—*Reg.* XIV. 1793, *Sect.* 39.—*Extended to Benares by Sect.* 45, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 42. *Reg.* XXVII. 1803.

'ed from the office of Collector, and having suits depending in the zillah Court, empowered to forward instructions to their vakeels by the public dawk and through the register of the Court

Vakeels in any of the Courts employed by Collectors under this regulation, empowered to forward papers to their constituents free of postage, through the register of the Court in which the cause may be depending.

127. No Collector is to be liable to prosecution for any official acts of his predecessor. But persons who may be removed from the office of Collector of the revenue of a zillah, are to carry on, in the same manner as if they had continued in the office, all suits of the nature of those described in Section 33, in which they may be engaged, and all suits preferred against them in the zillah Courts, for sums that they may have demanded or received on behalf of Government, and for the costs and damages in which they are declared eventually answerable; as well as all suits, being appeals from decisions in suits of the last mentioned description, excepting such of those appeals as they may have preferred, or in which they may have become a party, in consequence of orders from the Board of Revenue. —*Reg.* XIV. 1793, *Sect.* 41.—*Extended to Benares by Sect.* 47, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 44, *Reg.* XXVII. 1803.

Collectors not to be liable to prosecution for the acts of their predecessors.

What suits persons removed from the office of Collector, are bound to prosecute or defend after their removal

128. If the Collector of a zillah shall die, or be removed from his office, his successor is to carry on all unfinished process or suits in the Court of Dewanny Adawlut of such zillah, directed by this regulation to be conducted by the vakeel of Government, and at the public expence; and all appeals from the decrees of the zillah Court, or the provincial Court of appeal in such cases; as also all appeals from the decrees of the zillah Court, or the provincial Court of appeal, in which the former Collector may have been engaged, in consequence of

Collectors to carry on the unfinished suits and process, herein specified which may have been instituted under their predecessors.

orders from the Board of Revenue, and which are ordered to be pleaded by the vakeel of Government, and at the public expence.—*Reg.* XIV. 1793, *Sect.* 42.—*Extended to Benares by Sect.* 48, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 45, *Reg.* XXVII. 1803.

Cases in which the Board of Revenue are to take upon themselves the prosecution or defence of appeals in the Sudder Dewanny Adawlut.

129. In cases in which the Board of Revenue may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they are to take upon themselves the superintendence of the prosecution, or defence of any appeal, in the Sudder Dewanny Adawlut, which a Collector may prefer, or be engaged in, pursuant to their orders, instead of leaving the superintendence of the appeal to him.—*Reg.* XIV. 1793, *Sect.* 43.—*Extended to Benares by Sect.* 49, *Reg.* VI. 1795;—*to the Ceded Provinces by Sect.* 46, *Reg.* XXVII. 1803.

Zillah Courts how to proceed in cases in which persons may dispute the validity of the engagements under which demands may be made upon them by the Collectors, or have any objections to make to the engagements, either wholly or partially under the regulations, or deem themselves aggrieved by acts done by the Collector, in conformity to special orders from the Governor General in Council, or the Board of Revenue.

130. If a proprietor, or farmer of land, or a surety, or a purchaser of land, shall deem himself aggrieved under this regulation, by any act which may be done by a Collector, in conformity to special orders from the Governor General in Council, or the Board of Revenue; or if a Collector shall demand a sum of money under this regulation, on behalf of Government, from any of the above-mentioned descriptions of persons, and the stated defaulter shall admit the demand to be conformable to the engagements or stipulations, under which the Collector may make the demand, but deny their validity, or have any objections to make to them either wholly or in part, under any regulations passed by the Governor General in Council, the Collector is not to be liable to any prosecution on account of such act, or the demands that he may make conformably to such engagements or stipulations, which are to be held valid, until they are set aside, or altered, by a final judicial decision; and the proprietor, or farmer of land, or surety, or purchaser of land, is to discharge the demands that may be made upon him by the Collector under such engagements or stipulations, until the decision shall be passed. In the cases above specified, Government is to be considered as a party in the cause with its subjects, and the proprietor, or farmer of land, or the surety, or purchaser, is to present a petition to the Judge of the Dewanny Adawlut of the zillah in which the cause may be cognizable, stating his objections to the act, or to the engagements or stipulations, and praying that the Governor General in Council,

will order the Dewanny Adawlut of the zillah, to try the points or matters contested under the regulations. The Judge to whom the petition may be presented, is to forward it immediately to the Governor General in Council, who provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the Courts of justice shall be competent to try the cause, will direct the Court in which it may be cognizable, to proceed to the trial of it. If the Governor General in Council shall order the cause to be tried, the Judge of the Court is to send a written notification of the order to the complainant, and the cause is to be considered as filed in the Court, from the date of the notification. The Court is then to proceed to try the suit, under the same rules and regulations, as are prescribed for the trial of suits between individuals. The Collector of the zillah is to carry on under the orders of the Board of Revenue, all suits that may be instituted against Government in conformity to this Section, and to issue the necessary instructions to the vakeel of Government in the zillah Court, and in the provincial Court of appeal, or Sudder Dewanny Adawlut, should the cause be appealed to the former or both of those Courts. In the event of Government being cast in the zillah Court, or in the provincial Court of appeal, the Collector is to send copies of the decree, and proceedings of the Court, (which are to be delivered by the Court to the Collector, as soon as may be practicable upon his applying for them,) with a letter stating his objections to the decision, to the Board of Revenue, who are to submit them, with their opinion on the case, to the Governor General in Council, who will order an appeal to be preferred from the decision or not, as he may deem advisable. All costs and damages that may be awarded against Government, in suits instituted under this Section, are to be defrayed from the public treasury.—*Reg.* XIV. 1793, *Sect.* 46.

Benares, Reg. VI. 1795, Sect. 51.

Ceded Prov. Reg. XXVII. 1803, Sect. 48, and Reg. II. 1808, Sect. 15.

Rules in this regulation regarding Collectors, to be held applicable to acting Collectors.

Bengal, Behar, Orissa.

131. The rules respecting Collectors contained in this regulation, are to be considered equally applicable to the assistants of Collectors, or other persons who may be appointed by the Governor General in Council to officiate as Collector of any zillah, during the temporary absence of the Collector, or whilst the office may be vacant.—*Reg.* XIV. 1793, *Sect.* 47.

Rules in this regulation regarding the Collector, to be held applicable to the acting Collector.

Benares, Ceded Provinces.

132. The rules respecting the Collector contained in this regulation, are to be considered equally applicable to the assistant to the Collector, or any other person who may be appointed by the Governor General in Council to officiate as Collector, during the temporary absence of the Collector, or whilst the office may be vacant.—*Reg.* VI. 1795, *Sect.* 52.

Ceded Prov. Reg. XXVII. 1803, Sect. 49.

SECT. XVIII.

Power of the Collectors to summon Landholders, and Natives.

Bengal, Behar, Orissa, Benares.

133.—It is further hereby declared, that the Collectors are generally empowered to cause the personal attendance of any landholder or other native inhabitant within their respective jurisdictions, when the attendance of such person may be indispensably necessary for the purpose of any authorized public enquiry; or to enable them to perform any part of their public duty under the regulations or instructions of the Governor General in Council, or Board of Revenue. But no Collector shall cause the personal attendance of any landholder or other person, who may appoint an agent duly authorized to attend for him; if the attendance of the agent so appointed shall be sufficient for the purpose required. Any infringement of this rule will subject the Collectors to a prosecution for damages in the civil courts; and whenever they may have occasion to exercise the power now declared to be vested in them, they are to issue regular summonses, under their official seals and signatures, specifying the name, designation, and residence of the party summoned, and the purpose or purposes for which his attendance is required.—*Reg.* I. 1801, *Sect.* 10.

Not to enforce personal attendance of a principal provided that of an authorized agent will be sufficient.

Collectors subject to prosecution for damages for any infringement of this rule.

Regular summons under the seal and official signature of the Collector to be issued to persons whose attendance may be required by him.

Collector empowered to require the attendance of any landholder, or native whose attendance may be requisite.

Ced. and Cong. Provinces.

134. The Collectors are generally empowered to require the personal attendance of any landholder or other native inhabitant, within their respective jurisdictions, when the attendance of such person may be indispensibly necessary for the purpose of any authorized public enquiry; or to enable them to perform any part of their public duty under the regulations or instructions of the Governor General in Council, or Board of Revenue. But a Collector shall not cause the personal attendance of any landholder or other person, who may appoint an agent duly authorized to attend for him, if the attendance of the agent so ap-

But not to require the attendance of a principal where that of an authorized agent may suffice.

pointed shall be adequate to the purposes required. Where a Collector may have occasion to exercise the powers, as above authorized, he shall issue a regular summons under his official seal and signature, specifying the name, designation, and residence, of the party summoned, and the purpose or purposes, for which his attendance is required. Any infringement of this rule, shall render the Collector liable to an action for damages, in the Civil Court.—*Reg.* XXVII. 1803, *Sect.* 51.

Regular summons to be issued to persons whose attendance is required.

Collector subject to prosecution for damages for any infringement of this rule.

135. By Section 51, Regulation XXVII. 1803, the Collectors are empowered, in certain cases, to require the personal attendance of any landholder, or other native inhabitant, within their respective jurisdictions. But no penalty has been prescribed by the regulations for refusing to obey, or resisting, or avoiding compliance with, the requisition of any process issued under the section above mentioned. It is therefore hereby declared, that any person, being a landholder or farmer of land, &c. so offending, will be liable to the penalties prescribed by Sections 22, 23, 24, 25, 26, and 27, Regulation XXVII. 1803, under the provisions therein specified. If the offender shall not be a landholder, or farmer of land, he will be liable to the penalty prescribed in Section 28 of the said regulation. The provision contained in this clause shall be in force in the ceded and conquered provinces.—*Reg.* VIII. 1805, *Sect.* 18, *Cl.* 2.

Penalty for refusing to obey, or resisting, or avoiding compliance with, processes issued under Section 51, Regulation XXVI. 1803; to be in force in the ceded and conquered provinces.

SECT. XIX.

Duties of the Tehseeldars in the Ceded Provinces.

136. The following rules are prescribed for the guidance of the Collector, and the tehseeldars, in realizing the public revenue payable from the lands, in the provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.—*Reg.* XXVII. 1803, *Sect.* 1.

137. Tehseeldars, or native collectors, shall be appointed to collect the public dues from those lands, for the payment of the revenue from which, settlements may not have been concluded with the zemindars, or other actual proprietors; and generally, to collect the revenues of such lands, as the Collectors may deem it expedient to place under them.—*Reg.* XXVII. 1803, *Sect.* 2, *Cl.* 1.

Revenue to be collected by tehseeldars, where no settlement has been made with the proprietor.

Ceded Provinces.

138. The tehseeldars shall be selected by the Collectors, who are required to pay the utmost attention to their character and

Tehseeldars to be selected by the Collectors for the ap-

probation of the Board of Revenue.

Ceded Provinces.

responsibility. The name of the person proposed for that office, shall be submitted by the Collector to the Board of Revenue, and no actual appointment shall take place, without the previous sanction of that Board.—*Reg.* XXVII. 1803, *Sect.* 2, *Cl.* 2.

Collections to be made by Tehseeldars, in ordinary cases, not to be less than two, nor beyond three lacs of rupees.

Ditto.

No collection, beyond three lacs, to be established without the sanction of the Governor General in Council.

139. In all practicable cases, the amount of the revenue to be collected by each tehseeldar, shall not be less than two lacs of rupees, nor exceed the sum of three lacs of rupees per annum; including every description of collections entrusted to his management. Where it may be deemed expedient by a Collector, to entrust a tehseeldar with a collection exceeding the sum of three lacs of rupees, he shall report the same to the Board of Revenue, in order that they may submit such reference for the orders of the Governor General in Council.—*Reg.* XXVII. 1803, *Sect.* 2, *Cl.* 3.

No person to hold more than one situation as tehseeldar.

Ditto.

Principals only to be employed.

140. The Collectors shall be careful to prevent persons holding more than one situation as tehseeldar, by obtaining these appointments in other pergunnahs, or in other districts, in the names of their connexions or dependants. The Collector shall also be careful that the persons appointed tehseeldars are principals, and not employed as agents for their sureties.—*Reg.* XXVII. 1803, *Sect.* 2, *Cl.* 4.

Tehseeldars to be allowed eleven and a half per cent. on the gross collections.

Ditto.

Tehseeldars to be, generally, responsible for the recovery of the revenue; and in certain other respects.

141. The tehseeldars shall be allowed eleven and a half per cent.* on the amount of their gross collections; in consideration of which, they are to bind themselves, to defray all charges, and to cover all risks and expences whatever of the collections; to make good all balances of revenue which may accrue in their respective jurisdictions; as well as such advances as Government may authorize them to make to ryots and others, for the purpose of assisting them in the cultivation of their lands. —*Reg.* XXVII. 1803, *Sect.* 2, *Cl.* 5.

Tehseeldars to maintain a police.

Ditto.

Police in large towns and gunges, to be maintained by Government.

142. In consideration of the allowance, as specified in Clause fifth, the tehseeldars shall further become bound to maintain an efficient police in their respective jurisdictions; with an exception as to cities, large towns, and principal gunges; the police of which will be maintained by Government.—*Reg.* XXVII. 1803, *Sect.* 2, *Cl.* 6.

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* The Tehseeldars are exonerated from the responsibility of the Police, by Reg. XIV. 1807, and their allowances are reduced to ten per cent.—Vide Par. 153, 154, 155, of this Chapter.

143. The tehseeldars shall give good and sufficient security, (to be approved of by the Board of Revenue) for the due and faithful performance of the trust reposed in them, to the amount of the largest kist recoverable by them, respectively, in each year.—*Reg.* XXVII. 1803, *Sect.* 2, *Cl.* 7.

Tehseeldars to give security equal to the amount of one year's kist.

Ceded Provinces.

144. A tehseeldar falling in arrear, to the amount of one whole kist, shall be liable to be removed; and a report of the arrear so incurred, shall be made, without delay, to the Board of Revenue.—*Reg.* XXVII. 1803, *Sect.* 2, *Cl.* 8.

Tehseeldars in arrear of one year's kist, liable to be removed.

Ditto.

145. Tehseeldars shall make the usual advances of tuccavy at the proper periods, for the purchase of seed, cattle, and implements of husbandry; taking bonds for the same, bearing interest at the rate of twelve per cent. per annum. The tuccavy bonds shall be attested by the chowdries, canongoes and mukuddums; and the number of begahs for the cultivation of which the advance is made, shall be specified in the bond.—*Reg.* XXVII. 1803, *Sect.* 2, *Cl.* 9.

Tehseeldars to make the usual advances of tuccavy.

Ditto.

Bonds how to be taken for such advances.

146. All engagements whatever, concluded immediately by the tehseeldars, shall be made and granted in the name and on the part of Government, in as much as the tehseeldar acts for, and is to be regarded in all cases, as the officer of Government. —*Reg.* XXVII. 1803, *Sect.* 2, *Cl.* 10.

All engagements are to be made by the tehseeldars in the name of Government.

Ditto.

147. Where a person, paying revenue to Government, may be dissatisfied with the conduct of a tehseeldar, and shall prove, to the satisfaction of the Collector, that the tehseeldar has been guilty of misconduct towards him, such person shall be entitled to the privilege of paying his revenue direct to the treasury of the Collector; provided that the complainant shall give good and sufficient security for the regular discharge of his kists. But no separation of this nature, shall take place without a previous reference to the Board of Revenue; and the Collectors shall be careful that the authority, and influence of the tehseeldars, be not lessened on light and insufficient grounds. —*Reg.* XXVII. 1803, *Sect.* 2, *Cl.* 11.

Persons to be entitled to pay their revenue direct to the Collector, if injured by the tehseeldar.

Ditto.

Such persons to find security.

But no separation to be made without the sanction of the Board of Revenue.

148. The tehseeldars are declared liable to be removed from their offices by the Collector, with the sanction of the Board of Revenue, and to be prosecuted on the ground of their engagements, either during the course, or at the end, of the year.— —*Reg.* XXVII. 1803, *Sect.* 6.

Tehseeldar liable to be removed by the Collector with the sanction of the Board of Revenue, and liable to be prosecuted.

Ditto.

149. Whenever any of the present tehseeldars in any of the

On the death,

resignation, or removal of any of the present tehseeldars, Government will fix the allowances of their successors on a consideration of the amount of the revenue, the extent of the country, or other local circumstances, rules to be observed by the Collectors, and magistrates in such cases.

above mentioned provinces* shall die, or shall resign, or shall be removed from office on account of misconduct, under the powers vested in the Governor General in Council by the general regulations, the Governor General in Council will fix the personal allowances which it may be proper to grant to their successors, and likewise, the amount which it may be proper to allow to them for the maintenance of establishments, both as receivers of the public revenue, and as officers of police, on a consideration of the amount of the revenue to be collected by such tehseeldars; of the extent of country comprised within the limits of their respective tehseeldarries; and of other local circumstances. It shall accordingly be the duty of the Collector of the district in which any tehseeldar may die; or resign, or be dismissed from office, to report to the Governor General in Council through the Board of Revenue, the amount of the personal salary which the Collector would propose to be granted, on the principles above stated, to the new tehseeldar, and of the establishment which he would propose to be allowed for the collection of the public revenue. The magistrate of the district in which any tehseeldar may die, resign, or be dismissed from office, shall likewise at the same time, submit to Government through the Court of Nizamut Adawlut, a statement of the establishment which it may appear necessary to allow to the new tehseeldar in quality of an officer of police, for the apprehension of public offenders, and for the maintenance of the peace within the limits of his tehseeldaree. —*Reg.* XXI. 1806, *Sect.* 2.

Tehseeldars so appointed shall be vested with the same powers as the present tehseeldars.

150. Tehseeldars appointed under the persent regulation, shall, be vested with the same powers as the present tehseeldars are, or may be empowered to exercise, both as receivers of the public revenue and as officers of police, under the regulations established in the above-mentioned provinces respectively.—*Reg.* XXI. 1806, *Sect.* 3.

Tehseeldars so appointed shall be responsible for the jumma of their tehseeldarries under certain restrictions.

151. Tehseeldars appointed under the persent regulation, shall be responsible for the jumma of the muhals included within their respective tehseeldarries; provided, however, that if any losses shall be proved to the satisfaction of the Governor General in Council to have arisen from the impracticability of

* Benares and the Ceded and Conquered Provinces.

realizing any balances due from zemindars, farmers, or others by the sale of their property, or by other legal means; or if the Governor General in Council shall in any particular case deem it just and proper to grant remissions in favour of any of the said zemindars, farmers, or others; the tehseeldars shall obtain abatements proportioned to the amount of such losses or remissions. Provided also, that the tehseeldars shall obtain abatements from the jumma specified in their engagements, in proportion to the actual losses which may be proved to the Governor General in Council to have been sustained in lands held amanny.—*Reg.* XXI. 1806, *Sect.* 4.

The salaries and establishments allowed to the tehseeldars as receivers of the revenue, and for the support of the police, how to be paid to them.

152. The personal salary and amount of the establishment which may be granted to the tehseeldars under the present regulation as receivers of the public revenue, shall be paid to them by the Collectors; and the establishment which may be allowed to the tehseeldars for the support of the police, shall be paid to them by the Magistrates; and the expence incurred on those two accounts, shall be charged to the revenue and judicial departments respectively.—*Reg.* XXI. 1806, *Sect.* 5.

Tehseeldars in the division of Benares, and in the ceded and conquered provinces, being exonerated from their charge and responsibility as police officers, their allowances in the division of Benares to be reduced to ten per cent from the beginning of the Fussily year 1215, to the expiration of the Fussily year 1216, and in the ceded and conquered provinces from the beginning of the year 1215 to the expiration of that year.

153. The tehseeldars in the province of Benares, and in the ceded and conquered provinces, within the divisions of Bareilly and Benares, being exonerated by Sections 2 and 3, of this regulation, from their charge and responsibility, as officers of police, and from the expence of maintaining police establishments, for which they were chargeable under their engagements, in part of their allowance from Government of eleven and a half per cent (distinguished as *deyek* and *bhurray* in the province of Benares,) upon the annual amount of the public revenue collected by them; their allowance, from the commencement of the ensuing Fussily year 1215, until the expiration of the Fussily year 1215, (being the period of the present settlement) in the ceded and conquered provinces, and until the expiration of the year 1216, (being the period for which the sunnuds of the tehseeldars have been renewed) in the province of Benares, shall be reduced to and fixed at ten per cent on the annual amount of the revenue collected by them respectively, and the remaining one and a half per cent shall be applied to defray the expence of the police establishments maintained by Government, under the provisions of this regulation.—*Reg.* XIV. 1807, *Sect.* 14, *Cl.* 1.

To what tehseel-

154. The preceding clause is restricted to the tehseeldars

dars; the preceding clause is restricted and to what tehseeldars not meant to apply.

now in office, and receiving an allowance of eleven and a half per cent. upon the amount of the revenue collected by them respectively. It is not meant to apply to any tehseeldar now receiving a fixed salary, under the provisions of Regulation XXI. 1806; or to any person who may be hereafter appointed to the office of tehseeldar on the expiration of the periods above specified; or previously thereto on the death, resignation, or removal of the tehseeldars now in office, and in the receipt of a commission on the revenue. In such cases the Governor General in Council will fix the personal allowance of the successor in pursuance of Section 2, Reg. XXI. 1806.—*Reg.* XIV. 1807, *Sect.* 14, *Cl.* 2.

Huzzoor tehseel landholders' being exonerated from keeping up police establishments, with the exception herein mentioned, are declared not entitled to any part of the allowance made to the tehseeldars, on their becoming huzoory.

Provision on this subject in Regulation VII. 1807, with respect to huzzoory landholders in Benares.

155. The huzzoor tehseel landholders being also exonerated by Sections 2 and 3, of this regulation, from keeping up any police establishments, excepting such as they were bound to keep when under tehseeldars, for the maintenance of the peace within their respective estates, they will not be entitled to any part of the allowance made to the tehseeldars, as noticed in the preceding section, on their becoming huzzoory. This has been already provided, with respect to the huzzoory landholders of the province of Benares, by Section 3, Regulation VII. 1807. —*Reg.* XIV. 1807, *Sect.* 15.

SECT. XX.

Collection of the Revenue in Benares and the Ceded Provinces.

Rules for stationing shaenas on the crops.

Benares, Ceded Provinces.

156. The tehseeldars are to place shaenas, or watchmen, on the crops, at the expence of the parties to whom they may belong, and are not to allow them to be cut down, or carried away, until the zemindar or farmer, in the mushuckhusy lands, (lands for the payment of the revenue assessed on which a settlement has been concluded,) or the ryots, in the lands held amauny, shall have given security for the revenue payable therefrom on account of the year. If such security shall be given before the ripening of the first crops, the tehseeldar is not to station watchmen over the crops, nor is any charge to be incurred on account of watchmen, by the persons who may be responsible for the revenue due from the lands. But where such security is not tended, watchmen are to be stationed, and an allowance, the amount of which is to be regulated by the local custom, is to be made to them, and included in the deh

khurch, or village charges, of which the accounts are kept by the putwarries. To prevent all undue exactions under the head of shaenagee, or allowance to shaenas, or watchmen, the tehseeldar is to furnish each watchman with a dustuck or writ, prescribing the duty he is to perform. On this dustuck the sheristadars, (heretofore the canongoes,) are to endorse the name of the watchmen, the rate of allowance which, according to established custom, he is to receive, and from whom it is to be levied; and the sheristadars, at the end of every month, are to transmit under their official signature, a list of all such shaena dustucks, as they shall have thus attested during the course thereof, together with the rates of shaenagee thereby allowed. The Collector is to revise these allowances, and may order them to be reduced whenever they shall appear to him exorbitant.—*Reg.* VI. 1795, *Sect.* 2.

Ceded Prov. Reg. XXVII. 1803, Sect. 2, Cl. 12.

When payment of the instalments is to be demanded.

Benares, Ceded Provinces.

157. The tehseeldars are not to issue a dustuck, or written demand for the payment of any kist, or instalment, until it be due. Accordingly, in those places where by ancient custom the revenues are payable by two instalments in each month, viz. at the amawus, or middle, and the poornmaushy, or end, of the month, he is not to issue a dustuck for such kists before the expiration of the day of payment; and where the revenues are payable by monthly instalments, he is not to issue a dustuck for the instalment of any month, before the elapse of it. But when any person shall have failed to pay in his kist before, or on the date on which it may become due, the tehseeldar is to issue a dustuck, and to cause it to be served on the party in arrear, who, until he shall have discharged the amount, is to pay to the peon employed in serving the dustuck, for the first three days, one anna per day, which rate shall afterwards be increased half an anna per day, until the kist be paid, or until the dustuck be withdrawn, as hereafter provided for. But the defaulter shall not be subject to any further charge, for the khorack, or subsistence of the peon, or other account.—*Reg.* VI. 1795, *Sect.* 3.

Rate of tullabana.

Ceded Prov. Reg. XXVII. 1803, Sect. 3.

Tehseeldars prohibited employing muzkoory peons.

Ditto.

158. Tehseeldars are strictly prohibited from employing muzkoory peons, to serve the above-mentioned, or any other dustucks. This duty shall be performed solely by peons entertain-

Regulations re-

garding peons entertained as monthly servants.

ed on monthly wages, and who shall have given security for their good conduct, and whose wages shall be paid by Government out of the tullubana or subsistence money that may be levied from the persons on whom they may serve the dustucks. Every tehseeldar is to report to the Collector, the number and names of the peons thus entertained by him, as well as such occasional dismissions, vacancies, and appointments, as may occur in this part of his establishment; and the Collector is to furnish the tehseeldars with a correspondent number of chuprasses or badges, which such peons are to wear, and without which, they are not to perform any official act. On each of these badges shall be inscribed in the Persian language, and in the Hindostanee language and Nagree character "Chuprassy of the tehseeldar of———" (name of the muhal or district, under the charge of the tehseeldar, in whose service the peon may be employed.)—*Reg.* VI. 1795, *Sect.* 4.

Ceded Prov. Reg. XXVII. 1803, Sect. 4.

Sheristadars to attest all dustucks or written demands for the revenue, and to report the same to the Collector;

and to transmit an attested list thereof to the Collector.

Benares, Ceded Provinces.

How the tullubana is to be appropriated.

159. Every dustuck issued by a tehseeldar for enforcing payment of a kist, shall be attested by the sheristadars officiating in the tehseeldarry cutcherry, who, on the eighth of each succeeding month, are to transmit to the Collector, an attested list of all such dustucks as may have been thus issued; and the peons, on their return with their dustucks, shall account to the sheristadars for the tullubana collected by them in conformity to their dustucks, and, after retaining one moiety of the amount of their own subsistence, shall pay the other half to the sheristadars, receiving from them regular receipts for the sums so paid. The peons are immediately to deliver these receipts into the dufter or office of the tehseeldar, who, on the twentieth of every succeeding month, is to forward an attested list of them to the Collector. The Collector is to cause the list to be examined, and checked by the attested list of the dustucks issued, which he will have previously received from the sheristadars, and to have entered monthly in the moolky treasury accounts, the neat realized amount of the reserved moiety of such tullubana, and to allow the sheristadars to apply the same towards the discharge of so much of their monthly wages, as may be payable from that treasury.—*Reg.* VI. 1795, *Sect.* 5.

Ceded Prov. Reg. XXVII. 1803, Sect. 5.

Nature and ex-

160. In consideration of the liberal rate of commission con-

tent of the responsibility of the tehseeldars.

Benares, Ceded Provinces.

tinued to the tehseeldars, they are to be considered as responsible to Government, for the regular realizing of the annual amount of the jumma assessed on the mushkhusy lands, within their respective tehseeldarries, the revenue of which is not paid huzzoory, or immediately to the Collector, as well as for the annually ascertained revenue funds of those lands that may remain amauny, (which funds are to be ascertained in the manner prescribed in Section 27, Regulation II. 1795,) such responsibility on their parts, being considered as rendering them liable to make good to Government from their own property, whatever deficiencies in the collection of the said ascertained funds, may be proved to have arisen either from their wilful neglect, or inattention, or from direct embezzlement, to which purport, engagements are to be taken from them by the Collector. The tehseeldars are also declared liable to be removed from their offices by the Collector, with the sanction of the Board of Revenue, and to be prosecuted on the ground of their said engagements, either during the course, or at the end, of the year.—*Reg.* VI. 1795, *Sect.* 6.

Ceded Prov. Reg. XXVII. 1803, Sect. 6.

Process to be observed by the Collector in realizing the successive instalments, as they fall due.

Ditto.

161. The kists or instalments for each month, receivable from the tehseeldars, and the huzzoory malgoozars, are to be paid between the first and the seventh of each succeeding month; and for all arrears not then paid, the Collector, at his discretion, on a consideration of the credit and responsibility of the parties, is either to issue his dustuck, or to send only a written notice by letter, or a verbal intimation, through the vakeels of the parties, (who are always to be in attendance at his cutcherry,) to pay in their kists. But to those who shall not have paid the amount due from them by the fourteenth of the month, the Collector shall issue dustucks, under his seal and signature, and countersigned by the dewan, on the fifteenth of the month, and the peons serving such dustucks shall be directed to bring the party or parties to whom they are addressed, without delay, to the Collector's cutcherry, and also from the date of their dustuck, to levy tullubana for the first three days, at the rate of two annas per day, to be augmented at the rate of one anna per day, until the kist be discharged, or until the dustuck be withdrawn, as hereafter provided for. Such dustucks, and all other summonses of the Collector, are to be

served by the badge peons on his establishment of public officers, hired at monthly wages, who shall be allowed to retain one anna per day for their subsistence out of the tullubana which they may levy. In cases however of unavoidable necessity, the Collector is permitted to employ muzkoory peons, who are to be allowed out of the tullubana which they may collect, two annas per day, for their subsistence. And on particular occasions, when from the distance of situation, or the necessity for dispatch, the Collector shall deem it proper, instead of a peon, to employ a horseman (sowar) in the serving of any written demand for revenue, the tullubana to be collected by the horseman, shall begin at the rate of four annas per day, and augment at the rate of two annas per day, until the demand specified in the dustuck be liquidated. The horseman shall be allowed to retain out of this tullubana, four annas per day for his own maintenance, and the subsistence of his horse; but no sowars are to be employed by the Collector in the serving of dustucks, excepting those who form part of his public establishment, and are entertained on monthly wages. All peons, whether employed on monthly wages, or those termed muzkoory, and also sowars, are to give security, not to exact or receive under any pretence, any sum or sums, or to accept of any subsistence for themselves, or their horses, from any person or persons, to whom they may be thus sent to demand payment of revenue, under the penalty of being made to refund double the amount, either by the Collector, on such exaction or receipt coming to his knowledge, or in case of their being afterwards prosecuted on this account, in the city Court, or either of the zillah Courts.—*Reg.* VI. 1795, *Sect.* 7.

Ceded Prov. Reg. XXVII. 1803, Sect. 7.

How the sudder tullubana levied by the Collector is to be appropriated.

Benares, Ceded Provinces.

162. The tullubana collected as above prescribed, is to be accounted for at the end of every month by the Collector's nazir, and the jemadar of the sowars, to the treasurer of the moolky treasury, and the said nazir and jemadar are then to pay in the amount thereof, according to an attested statement under the Collector's official seal and signature. This statement is to remain as a voucher in the said treasury, from the gross receipts specified in which, there is only to be deducted the subsistence money allowed to the peons or horseman, as authorized in the preceding section.—*Reg.* VI. 1795, *Sect.* 8.

Ceded Prov. Reg. XXVII. 1803, Sect. 8.

On whom the Collector is to make his demand for the huzzoory revenue.

Benares, Ceded Provinces.

163. When any huzzoory malgoozar, (whose privileges, and the mode of acquiring them, are explained in Regulation II. 1795,) falls in arrears, the Collector may address his dustuck or written demand for the kist, either to the defaulter himself, or to his malzamin or security, or, if necessary, to both.—*Reg.* VI. 1795, *Sect.* 9.

Ceded Prov. Reg. XXVII. 1803, Sect. 9.

On whom the tehseeldars are to make their demand for the revenue payable through them.

Ditto.

164. With respect to the lands the revenue assessed on which, is not paid huzzoory, or immediately to the Collector, the tehseeldar, at the expiration of the fifth day, from the date of his dustucks having been served without success on the party or parties in arrear, is to cause similar written demands, under the same attestations, and subject to the same progressive rate of tullubana, to be served on their sureties, if they shall have given sureties; and, when the revenue in demand, together with the tullubana, shall be realized from the principal or surety, either at their places of abode, in consequence of the dustuck being served upon them, or, at the tehseeldar's cutcherry, to which the peons are to escort them, by such time, (consistently with the period fixed in the ensuing section, for their being sent in to the Collector,) as shall be specified by the tehseeldar in the dustuck, such dustuck or dustucks, together with the peons serving the same, shall thereon be immediately withdrawn.—*Reg.* VI. 1795, *Sect.* 10.

Ceded Prov. Reg. XXVII. 1803, Sect. 10.

When the tehseeldars are to send in defaulters to the Collector.

Ditto.

165. The tehseeldars are not to confine in jail, or put into stocks or irons, any persons, whether principals or sureties, who may be in arrears on account of the revenue; but in case of any such defaulter not paying up the demand on him by the tenth day after a dustuck shall have been served on a principal, or by the fifth day after the dustuck issued on his surety, such party or parties are invariably to be sent with a written report of the circumstances to the Collector. In such instances, and also in similar cases of huzzoory malgoozars or their securities, on whom he may have sent a dustuck or written demand, and summoned in the first instance, the Collector, after enquiring into the circumstances, shall within ten days after the arrival of such defaulter or defaulters at his cutcherry, (during which period of ten days he may either confine their persons or only keep over them the peons with whom they arrived,)

Period during which the Collector may confine defaulters.

either discharge him or them, on his or their paying the amount in demand, or satisfying the Collector that he or they will make good such payment, before the expiration of the current Hindoo month; or otherwise, the Collector is to cause the party or parties in question, after the expiration of the ten days, to be conveyed to the public jail of the nearest Court of Dewanny Adawlut, and the Collector is to apply to the Court by motion in writing, to be made in open Court, (if the Court shall be sitting,) through the pleader of Government, for the confinement of the defaulter. If the Court shall not be sitting, the motion is to be presented to the Judge out of Court. The motion is to specify the amount of the arrear due from the defaulter, and the date on which it became payable. Upon receipt of the motion, the Judge is immediately to order the defaulter to be confined in the jail of the Dewanny Adawlut, and detain him, until he shall have discharged the arrear for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the Collector shall apply to the Court by motion made as above directed, to have him released.—*Reg.* VI. 1795, *Sect.* 11.

When they are to be committed to the jail of the city and zillah Courts.

Motion in writing to be made to the Court on this occasion.

Judge to confine the defaulter.

Ceded Prov. Reg. XXVII. 1803, Sect. 11.

Cases in which the Collector is directed to suspend the exercise of the powers vested in him by Section 11.

Benares, Ceded Provinces.

166. If the crops in any estate or farm, shall have been damaged, or destroyed, by drought, inundation, or other calamity of season, or from any cause not originating in the neglect, mismanagement, or misconduct of the proprietor or farmer, and such proprietor or farmer shall fall in arrears, so as to subject himself to be confined under Section 11, and the Collector shall be satisfied from the best information which he may be able to obtain, that the defaulter is unable to make good the arrears by the end of the current month, as required in the said section, either from the collections on account of such year from his estate or farm, or from his private funds, or property, or by a loan, he is directed to suspend the exercise of the powers vested in him in Section 11, for the confinement of the defaulter. But the Collector is immediately to report the circumstances of the case to the Board of Revenue, with his reasons for not proceeding against the defaulter, and to wait for, and be guided by, the instructions which he may receive from them.—*Reg.* VI. 1795, *Sect.* 13.

Ceded Prov. Reg. XXVII. 1803, Sect. 13.

167. In all cases of the default, or confinement of parties from whom revenue may be due, the Collector is to issue directions to the tehseeldar of the district in which the lands of the defaulter may be situated, to levy the public revenue, by realizing in concert with the sheristadars, the defaulter's full share of the assessment on the crops to the end of the year, or until such time as he or his surety, in case he shall have given security, shall have paid up the balance, together with the charges of the peons who may have taken him into custody.——*Reg.* VI. 1795, *Sect.* 14.

Precautions to be taken for the security of the revenue, on the confinement of a proprietor or farmer of land.

Benares, Ceded Provinces.

Ceded Prov. Reg. V. 1803, Sect. 14. Cl. 1.

168. By Section 14, Regulation VI. 1795, it is prescribed, that, "In all cases of the default, or confinement of parties from "whom revenue may be due, the Collector is to issue directions "to the tehseeldar of the district in which the lands of the de-"faulter may be situated, to levy the public revenue by realiz-"ing, in concert with the sheristadars, the defaulter's full share "of the assessment on the crops to the end of the year, or until "such time as he or his surety, in case he shall have given se-"curity, shall have paid up the balance, together with the "charges of the peons who may have taken him into custody." It is further hereby enacted, that whenever a proprietor or farmer of land may subject himself to confinement, and his estate or farm to attachment, for arrears of revenue under the provisions contained in Regulation VI. 1795; but if the Collector shall be of opinion that, instead of confining the person of the defaulter and attaching his estate or farm, the arrear due from him will be more speedily discharged by distraining and selling any personal property belonging to the defaulter and his surety according to the prescribed process in Regulation XLV. 1795, and the preceding sections of this regulation, whereby landholders and farmers are authorized to recover arrears of rent from their under-tenants by distraining and selling the personal property of the latter; or if in any case, notwithstanding the confinement of a defaulting proprietor, or farmer, and the attachment of his estate or farm for an arrear of revenue, such arrear be not discharged, and the defaulter or his surety shall possess any personal property, from which the same can be made good, the Collector may, in all such cases, direct the tehseeldar of the district in which the personal property of the

Recapitulation of Section 14, Regulation VI. 1795.

Ditto.

In what cases the Collector may cause the personal property of defaulting landholders to be distrained.

defaulter and his surety may be forthcoming, or, if it be a huzzoory mulial, any officer whom he may think proper to appoint for the purpose, to cause the personal property of the defaulter and his surety to be distrained and sold, as far as necessary for the recovery of the arrear due, in the mode and under the restrictions prescribed by the regulations with regard to the distress and sale of the personal property of under-tenants for the recovery of arrears of rent due from them to proprietors and farmers. The Collector also, in all cases wherein he may judge it expedient, is empowered to vest the tehseeldars with discretionary authority to proceed against defaulters within their respective tehseeldarries by the established process of distress and sale, without waiting for his previous sanction; but in such cases the tehseeldars will be held personally answerable, if the amount for which the distress may be levied, is found not to have been justly due; and in all cases wherein property may be distrained and brought to sale by the tehseeldars, they will be held responsible for any wilful deviation from the regulations, as prescribed with regard to the agents of landholders and farmers, in Section 2 of this regulation.—*Reg.* V. 1800, *Sect.* 22.

In what mode and under what restrictions such distress and sale to take place.

In what cases the Collector may vest tehseeldars with a discretionary authority to proceed against defaulters by established process of distress and sale.

Responsibility of tehseeldars in such cases.

And whenever property may be distrained and brought to sale by them.

Ceded Prov. Reg. XXVII. 1803, Sect. 14, Cl. 2.

169. This sequestration of the profits of the party or parties in arrear, is to extend also to the profits of all those of the brethren or putteedars, whose names may be inserted in the pottah of Government, and who shall have executed the corresponding cabooleat; without however infringing the rights of the inferior putteedars or sharers, or in talookas, of the dependant village zemindars, or under renters, or, in any case, or under any description of tenure, of the common ryots, from whom the collections are to be made by the tehseeldar, according to their engagements with the defaulter or defaulters; or, where no such engagements exist, according to the established rules and usages of the village or talooka; and in addition to the accounts to be kept by the sheristadars, the defaulter may appoint a person to keep a counterpart of the accounts of the receipts and disbursements.—*Reg.* VI. 1795, *Sect.* 15.

From whom and in what proportions the revenue is to be collected, on Government's proceeding to realize the demands of defaulters from the putteedars, and ryots.

Benares, Ceded Provinces.

Ceded Prov. Reg. XXVII. 1803, Sect. 15.

170. All complaints for any breach of the rules contained in the preceding sections, either by direct infraction of them, or

Tehseeldars and Collector liable to be prosecuted for

by unnecessary severity in the execution of them, are declared cognizable in the city and zillah Courts, to which any of the parties may apply at all times, either in person or by vakeel. In such cases, the Judge is to cause the Collector, or tehseeldar, (according as the act complained of, may have been done, by the former or the latter,) to be immediately served with a copy of the complaint, fixing a date, according to the distance of place, for the party complained against to deliver in his answer. On the receipt of such copy and notice, the Collector or tehseeldar respectively, within the period limited in the notice, shall give in his answer to the Court, stating therein the amount in demand from the party or parties on whom the dustuck shall have been issued; and, if the said party or parties shall not thereon dispute the justice of the demand, the judge shall stop all further proceedings in the cause. On the contrary, if the plaintiff, or plaintiffs, in their replication, or that of their vakeel, delivered into Court, shall not allow of the justice of the demand, and shall thereon tender to the Court sufficient malzaminy or security, as well for the sum actually in demand, as for such further amount as may become due from the growing kists, during the trial, and condition to abide by such decree as the Court may pass, including all costs and charges, in case the plaintiff or plaintiffs be cast, the Judge shall issue a written precept, addressed to the tehseeldar or Collector, (according as the former or the latter may be the defendant,) to withdraw the dustuck and peon from the plaintiff or plaintiffs in the cause. In conformity to the precept, the defendant shall withdraw his process on the party or parties complaining, and give in his answer, when if no part of the claim shall be found to be due from the complainant, the judge shall discharge him, and decree such costs and damages against the tehseeldar, or the Collector, as he may deem equitable, upon a consideration of the circumstances of the case; and the damages so decreed shall be defrayed either by Government, or the party prosecuted, according to the rules for such cases hereafter laid down in this regulation. If only a part of the demand shall appear due, the Court is to discharge the prisoner upon his paying such part. In both cases however, the Court, previous to releasing the prisoner, shall take good security from him to perform the final decision in appeal, in the event of the cause being appealed by the tehseeldar or

any breach of the preceding rules.

Benares, Ceded Provinces.

Persons on whom a demand for revenue may be made by any tehseeldar or Collector, at liberty to institute a suit to try the justice of it.

Collector, in consequence of orders from the Board of Revenue, or without their orders. If the tehseeldar or Collector, shall state to the Court that an appeal will not be preferred from the decision, or, if an appeal shall not be lodged within the time limited for preferring appeals to the provincial Court of appeal, the Judge shall release the person so confined without taking such security.—*Reg.* VI. 1795, *Sect.* 16.

Ceded Prov. Reg. XXVII. 1803, Sect. 16, Cl. 1.

Attachments for arrears when to be withdrawn.

Benares, Ceded Provinces.

171. Whenever the estates of defaulting proprietors, or the farms of defaulting farmers, may be attached under Sections 14 and 15, Regulation VI. 1795, if the arrear due, with any further arrear that may become due from the same proprietor or farmer, be discharged from the collections or otherwise at any period before the end of the current Fussily year, together with the amount of any expense attending the attachment, such attachment shall be immediately withdrawn, and a full and fair account rendered of all receipts and disbursements during the continuance of it. Moreover the liberty given by Section 16, Regulation VI. 1795, to prosecute the Collector or tehseeldar in the zillah and city Courts of Dewanny Adawlut for any breach of the rules contained in that regulation, is extended in like manner to a breach of any of the rules in the present regulation; but such part of the above section as authorizes the Judge of the Dewanny Adawlut, on security being given by the plaintiff, to issue a precept for his discharge from confinement and personal restraint, shall not be considered as directing the attachment of the plaintiff's estate or farm to be withdrawn, unless the arrear of revenue claimed from him by the Collector or tehseeldar be paid; nor shall the distress and sale of any personal property belonging to the plaintiff, be stopped on account of his having instituted a suit against the Collector or tehseeldar contesting the justice of the demand upon him. Provided however, that if any proprietor or farmer of land, from whom an arrear of revenue may be demanded, shall, by a written representation to the Collector, deny the justness of such demand, but to prevent any coercive process being issued against him, shall discharge the demand, and shall afterwards establish by a suit in the Dewanny Adawlut, that the amount so paid by him, or any part thereof, was not justly due, the amount of the excess so established, shall be immediately re-

Liberty to prosecute Collector or tehseeldar under Section 16, Regulation VI. 1795, extended to any breach of the present regulation.

But attachments not to be withdrawn, until the arrear demanded be paid.

Nor distress and sale of personal property to be stopped on account of suits having been instituted.

Provision for repayment of any overplus, with interest, if established in the Courts of justice.

paid from the public treasury, with interest at the rate of twelve per cent. per annum, from the date on which such excess may have been received to the date of repayment. All the rules in Regulation VI. 1795, respecting suits instituted against the Collector for sums received by him on the part of Government, are to be considered applicable to suits that may be instituted against the Collector under this section; and all the provisions in the above regulation for the punishment of resistance, disobedience, or evasion of the Collector's process against defaulting proprietors or farmers, are to be still considered in full force, and applicable to any process issued by the Collector under this regulation. As however under Section 2. Regulation V. 1798, the decrees of the provincial Courts of appeal are declared final to the amount of five thousand Sicca Rupees, that amount is to be considered the standard for appeals to the Sudder Dewanny Adawlut, instead of one thousand Rupees before limited, and the same rule is to be applied to all other parts of the Regulations in which an appeal was authorized to the Court of Sudder Dewanny Adawlut antecedent to the enaction of Regulation V. 1798, for the limitation of appeals to that Court.—*Reg.* V. 1800, *Sect.* 23.

Rule in Regulation VI. 1795, applicable to such case.

Provisions against resistance, disobedience, or evasion of the Collector's process in Regulation VI. 1795, applicable to process issued by the Collector under this regulation.

Explanation with respect to standard of appeals to the Sudder Dewanny Adawlut.

Ceded Prov. Reg. XXVII. 1803, Sect. 16, Cl. 2.

172. Whenever the estates of defaulting proprietors, or the farms of defaulting farmers, shall be attached under Section 14, or Clause First, if the arrear due, with any further arrear that may become due from the same proprietor or farmer, be discharged from the collections or otherwise at any period before the end of the current Fussily year, together with the amount of any expense attending the attachment, such attachment shall be immediately withdrawn, and a full and fair account rendered of all receipts and disbursements during the continuance of it.—*Reg.* XXVII. 1803, *Sect.* 15, *Cl.* 2.

Attachments for arrears when to be withdrawn.

Ceded Provinces.

173. The provisions in Section 15, Regulation VI. 1795, in cases of attachment, are likewise to be still considered in full force, except that the injunction to the tehseeldar to collect from the ryots according to their engagements with the defaulter, is not to be considered applicable to engagements evidently collusive, which may have been contracted in expectation of the attachment, with a view to prevent the officers of Government from receiving the just rents during the continuance of it. In

Section 15, Regulation VI. 1795, still in force. Exception to prevent collusion.

Benares, Ceded Provinces.

such cases the tehseeldar is to collect according to the established rates and usages of the pergunnah, as he is directed to do in cases where no engagement exists between the defaulter and his under-tenants. It is further hereby declared that after the promulgation of this regulation, no anticipation of the rent will be admitted in cases of attachment. The landholders and farmers are prohibited from demanding or receiving, and the ryots and other under-tenants are prohibited from paying, any part of the rents receivable by the farmer and payable by the latter, before the stipulated or usual period of payment, according to the kistbundy or other engagements, or established local usage; and no person hereafter making anticipated payments, against this prohibition, or producing receipts for such, whether collusive or otherwise, shall be entitled to credit for the amount from the officers of Government who may attach the lands or farm, or from the landholder or farmer making the attachment, if it be made for arrears due from an under-tenant, under the provisions contained in this regulation. Nor shall credit be allowed for any payment made to a defaulter, after proclamation of the attachment of his estate or farm, until further proclamation be made that such attachment has been withdrawn, unless it can be clearly shewn that such proclamation which is to be made as public as possible throughout the attached lands immediately on the attachment taking place, was notwithstanding unknown to the party making payment to the defaulter at the time when such payment may have been made. Provided however, that nothing herein contained shall be understood to exonerate the defaulter from crediting his under-tenants, or otherwise accounting for, all sums received by him, whether in anticipation of the rents, or subsequently to the attachment of his estate or farm, the above restrictions having reference to the attachment only.—*Reg.* V. 1800, *Sect.* 24.

Further provisions against anticipation of the rents.

Ceded Prov. Reg. XXVII. 1803, Sect. 15, Cl. 3.

Accounts to be furnished by putwarries in cases of attachment.

Benares, Ceded Provinces.

Collector to cause general appointment of put-

174. In all cases of attachment, the village putwarries required to be appointed by Section 9, Regulation XXVII. 1795, will of course be bound to furnish the Collector and tehseeldar, or other officer deputed by him, with the accounts directed to be kept by them; and the Collector is hereby required to take immediate measures for ascertaining whether

the putwarries have been universally appointed throughout the province, as enjoined in the above section; as well as to cause their immediate appointment where they may be found wanting, by requiring immediate compliance from the landholders with the regulation in question, under the penalty prescribed in Clause Ninth, of the section above-mentioned, which, if necessary, is to be enforced in the mode therein provided.* It is at the same time hereby explained, that it was not meant by the above regulation to require the proprietors of small estates, who may superintend their own lands and be unable to afford the expense of a putwarry, to appoint officers of this description, but in such cases the proprietors themselves are, when required, to furnish the accounts and information specified in the above-mentioned section, in like manner as the putwarries are required to furnish the same, and under the same provisions. Defaulting proprietors and farmers of land, whose estates or farms may be attached under this regulation, are also required to furnish the Collector with any accounts that may be required from them, relative to the jumma, collections, and outstanding balances of the current year, or of preceding years, which may be in their possession, as well as to cause their agents of every description, who may have been employed in the collections of the current year, to attend the Collector, tehseeldar, or other officer appointed by him. Any proprietor or farmer, who, on receiving a written requisition from the Collector, under his official seal and signature to the above effect, shall refuse or neglect to comply therewith, shall be liable to such fine as the Board of Revenue, with the sanction of the Governor General in Council, may think proper to impose upon him on the Collector's report of the circumstances of the case; and the Governor General in Council reserves to himself the power of ordering the imprisonment of any landholder or other person, who may persist in refusing to deliver up the accounts required from him in any particular instance.—*Reg.* V. 1800, *Sect.* 25.

warries according to Regulation XXVII. 1795.

Explanation with respect to small estates managed by the proprietors.

Proprietors and farmers of attached lands to furnish Collectors with any accounts required, from them, in their possession.

And to cause their agents to attend the Collector or officers appointed by him.

Penalty for non-compliance with this rule.

Ceded Prov. Reg. XXVII. 1803, Sect. 15, Cl. 4.

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* The enactments regarding Putwarries were modified after the publication of this Regulation.—Vide the Chapter of Putwarries.

How lands of proprietors in arrear at the end of the year, are to be disposed of.

Benares, Ceded Provinces.

In the case of the arrears arising from the proprietor's misconduct.

175. At the expiration of the year, if an arrear shall remain due from any talookdar, or zemindar, or other actual proprietor of land, the Collector is to communicate the amount to the Board of Revenue, accompanied by a detailed account of the causes of the failure, when, as far as regards the lands of proprietors, if the deficiency shall clearly appear to have proceeded from his or their embezzlement, or misappropriation of the funds, arising from the produce, and that there be no immediate prospect of the party or parties, or his or their sureties, making good the amount; the Board of Revenue, provided from the communications of the Collector, it shall appear to them expedient so to do, and the Governor General in Council shall approve of the measure, may authorize the Collector to transfer the rights of the defaulting landholder, to such one or more of his putteedars, or sharers, as shall be able and willing, in consideration of such transfer, to pay up the balance due to Government. In such case, the defaulter is not to be entirely excluded, but is to retain, as an inferior putteedar, such a portion of neejjote ground, as, with the approbation of the Collector, the putteedars who may succeed him, shall be willing to allow him to hold, at the established rate of rent, payable by the most inferior of the family putteedars of the same village or talooka; provided however that no putteedar in arrear on account of rent to the defaulter, shall be allowed to take advantage of this option, which the Collector is successively to tender in preference to the others, in proportion to the greater or less interest they may severally possess in the estate, until one or more of them accept, or they all decline it.—*Reg.* VI. 1795, *Sect.* 17, *Cl.* 1.

His rights may be transferred to his putteedars or partners, on their paying up the balance,

Ceded Prov. Reg. XXVII. 1803, Sect. 17, Cl. 1.

or his profits may be sequestered by Government.

Ditto.

Case of a proprietor falling in balance through misfortune.

176. Where such transfer of a defaulter's rights, to one or more of his putteedars or sharers, shall not prove effectual in realizing the balance; or in cases where the deficiency cannot be proved to have arisen from embezzlement on the part of the landholder, but where the cause may not be of such a nature, as to induce the Governor General in Council to remit the amount, the Board of Revenue, with the sanction of the Governor General in Council, may direct the Collector, either to continue the defaulter in possession, on his engaging in such manner as shall be deemed satisfactory, to pay up his balance with the

future revenue, or sequester to the use of Government, the ensuing years profits of the defaulter in the manner, and under the restrictions, specified in Section 15. The last mentioned measure shall be adopted, where there is a reasonable prospect of at least realizing thereby, the assessment payable to Government in the ensuing years, and in such instances, it shall be the duty of the Collector, in like manner as in all cases in which lands are held amauny, to acquire the fullest information, and to propose to the Board of Revenue, such improvements, of the jydaad, or funds, as may appear practicable, by making advances for tuccavy, gilandazee, the cutting down of jungles, or by the construction of embankments, or water courses, so as not only to prevent any diminution of the produce of the lands, but to improve and increase it.—*Reg.* VI. 1795, *Sect.* 17, *Cl.* 2.

Duty of the Collector in respect to the improvement of amauny lands.

Ceded Prov. Reg. XXVII. 1803, Sect. 17, Cl. 2.

177. The profits arising from the surplus collections over and above the former fixed jumma adjusted by the permanent settlement, after defraying the charges of improvement, whilst Government think fit to leave the lands amauny, shall be appropriated entirely to the use of the public, in the cases of all defaulting proprietors who may be dispossessed under the preceding clause, for embezzlement or misappropriation of the funds for the payment of the public revenue; and such zemindars shall not be reinstated, until from their own means, they shall have paid up, or given satisfactory security for discharging the balance incurred, as well as to repay to Government the principal of the amount it shall have advanced for improving the estate. But in the other case stated in Clause second, in which embezzlement shall not have been clearly proved against the defaulting landholders, the profits or surplus collections, shall be set off against the arrears due from them, and they shall be entitled to reinstatement, as soon as the arrears shall thus, or otherwise from their own funds, have been discharged, or when they shall deliver in satisfactory security for the amount, inclusive of the whole or the part of the charges of improvement incurred during their dispossession, for which, Government, on a review of the circumstances of the case, shall think fit to render them responsible.—*Reg.* VI. 1795, *Sect.* 17, *Cl.* 3.

How the profits arising from the land of dispossessed landholders are to be appropriated,

Benares, Ceded Provinces.

in the instances in which such landholders have been dispossessed for misconduct,

and in those where such misconduct is not ascertained.

Ceded Prov. Reg. XXVII. 1803, Sect. 17, Cl. 3.

Right reserved to Government to let the lands of the dispossessed proprietors to whomsoever they shall think proper.

Benares, Ceded Provinces

178. The rules in the preceding clauses of this section, are to be understood with this reservation, that in all cases where talookdars, zemindars, or other land owners, shall be dispossessed for arrears of revenue, Government shall have the option of letting their lands on lease, either for a term, or in perpetuity, to any person or persons, in case of the dispossessed proprietors omitting or refusing to resume the management of their lands, under the conditions that may be offered to them. —*Reg.* VI. 1795, *Sect.* 17, *Cl.* 4.

Ceded Prov. Reg. XXVII. 1803, Sect. 17, Cl. 4.

Arrears at the close of the year, to be reported to the Board of Revenue, with propositions for their recovery in conformity to Section 17, Regulation VI. 1795.

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179. If any arrear remain due from a proprietor or farmer of land at the close of the Fussily year, the Collector is immediately to report the amount to the Board of Revenue, with a statement of the cause of failure as required by Section 17, Regulation VI. 1795, and his sentiments on the measures proper to be adopted under the provisions contained in Sections 17 and 18, of the above regulation. In consideration of the state of landed property and other local circumstances in the province of Benares, although the engagements executed by the landholders declare their property, real and personal, liable to sale for arrears of revenue, the actual sale of their lands has not been enforced, except in cases of necessity or gross misappropriation of the funds from which their revenue is payable; but a general discretion is reserved to the Governor General in Council, to order a sale of land for the recovery of arrears of revenue; and whenever such sales may take place, they are to be made under the several provisions contained in Section 29, Regulation VII. 1799,* in addition to the rules already in force within the province of Benares, viz. Sections 32, 33, and 34, Regulation VI. 1795,* and Regulation XII. 1796,* as well as Regulation V. 1796,* hereby extended to the above province.—*Reg.* V. 1800, *Sect.* 26.

Under what rules sales of land when ordered by the Governor General in Council are to take place.

Section 29, Regulation VII. 1799; and Regulation V. 1796, extended to Benares.

How lands rented by farmers in arrear at the end of the year are to be disposed of.

Ditto.

Lands to be in such instances restored to the ancient zemindars.

180. Where arrears shall be due by farmers near the close of the year, the recovery of which, either through themselves or their sureties, shall not have been effected by its expiration; the Collector, with the sanction of the Board of Revenue, is to have recourse, in the first instance, to the ancient zemindars of the village or talooka in question; who, on paying up the farmer's balance, either immediately, or on finding security to pay it by instalments in the course of the ensuing year, shall

* All these Regulations and Sections have been repealed.

be reinstated in their zemindary.—*Reg.* VI. 1795, *Sect.* 18, *Cl.* 1.

181. Where arrears shall be due by farmers near the close of the year, the recovery of which, either through themselves, or their sureties, shall not have been effected by its expiration; the Collector, with the sanction of the Board of Revenue, is to have recourse, in the first instance, to the person who shall appear to him to have the best claim to the village or talooka in question, who on paying up the farmer's balance, or on giving good security to pay it by instalments in the course of the ensuing year, shall be reinstated in the estate. This, however, is not intended to decide the question of right to such estate, as any person who may consider himself to have a better claim to it than the person whom the Collector shall have put in possession, is at liberty to prefer the same to the judge of the zillah Court of Adawlut, within whose jurisdiction the lands shall be situated.—*Reg.* XXVII. 1803, *Sect.* 18, *Cl.* 1.

How lands rented by farmers in arrear at the end of the year, are to be disposed of.

Ceded Provinces.

Such lands, to be tendered, in the first instance to the persons who shall appear to have the best claim.

Conditions of the tender.

Investiture, in this way, by the Collector no bar to the legal title being tried by the Court of Adawlut.

182. Where there are no ancient zemindars, or where they decline to take on themselves the balance of the farmer, the latter may be continued, on his stipulating in such manner as shall be deemed satisfactory, to pay off his balance with the future revenue; or otherwise the farm is to be relet in perpetuity, or for such term as Government may direct, to such other person or persons, as, in consideration of such lease, shall immediately pay up, or find satisfactory security for the removed farmer's balance, or the part of it, the payment of which shall be required.—*Reg.* VI. 1795, *Sect.* 18, *Cl.* 2.

Or the farmer's lease to be continued, or the lands to be let again to such person, and for such a term, as Government may approve.

Benares.

183. Where there are not any original proprietors, or where they shall decline taking upon themselves the balance of the farmer, the Collector shall offer the village or talook to the mocuddums or purdhauns, and shall conclude the settlement with them for the same, on their agreeing to the terms specified in the preceding clause. In instances in which there are not any original proprietors, or where they shall decline taking upon themselves the balance of the farmer, and in which the mocuddums or purdhauns shall also decline to take upon themselves a similar responsibility, the farmer shall be continued, on his stipulating in such manner as shall be deemed satisfactory, to pay off his balance with the future revenue; or otherwise the farm is to be relet, for such term as Government may direct, to such other person or persons, as in consideration of such lease,

Where no original proprietors may appear, or where they shall not stipulate, the tender to be made to the mocuddums or purdhauns.

Ceded Provinces.

In failure of either of the above, the farmer may be continued on a satisfactory stipulation;

or, otherwise the farm to be let to some other person;

shall immediately pay up, or find satisfactory security for the removed farmer's balance, or the part of it, the payment of which shall be required.—*Reg.* XXVII. 1803, *Sect.* 18, *Cl.* 2.

Or to be held amauny under the Collector.

Benares.

184. Where neither the ancient zemindars shall be reinstated, nor the farmer in arrear be continued; nor any new farmer undertake to discharge the balance incurred, or such part thereof as Government may require, the lands are to continue amauny, under the same kind of management, and regard to their improvement, as is directed in Clause Second of the preceding Section, to be observed in respect to lands from which zemindars shall have been dispossessed.—*Reg.* VI. 1795, *Sect.* 18, *Cl.* 3.

Or, to be held amauny, under the Collector.

Ceded Provinces.

185. Where neither the original proprietor shall be reinstated, nor the settlement be made with the mucuddums or purdhauns nor the farmer in arrear be continued, nor any new farmer, undertake to discharge the balance incurred, or such part thereof as Government may require, the lands are to continue amauny, under the same kind of management, and regard to their improvement, as is directed in Clause Second of the preceding Section, to be observed in respect to lands from which zemindars shall have been dispossessed.—*Reg.* XXVII. 1803, *Sect.* 18, *Cl.* 3.

Property of farmers may be disposed of for the recovery of arrears.

Benares.

186. The Board of Revenue, in all cases in which they may judge it advisable, (in addition to such recourse as is authorized to be had on the surety) may recommend to the Governor General in Council, the sale of the property of farmers in arrears, in conformity to the tenor of their engagements.—*Reg.* VI. 1795, *Sect.* 18, *Cl.* 4.

Ceded Prov. Reg. XXVII. 1803, Sect. 18, Cl. 4.

Tehseeldar how to proceed when a proprietor or farmer of land refuses to pay his arrears, or resists the process issued by him under Sections 3 and 10.

Benares, Ceded Provinces.

187. If a tehseeldar shall issue the process prescribed in Sections 3, or 10, against any zemindar, or other actual proprietor of land, or any farmer, or surety, for payment of the amount of the instalment in demand, or of any other sum or arrears of revenue due, and the party to whom such process may be addressed, shall refuse to obey, or resist, or cause to be resisted, the peon deputed to serve such process, or abscond from the peon, after he shall have served such process, or retire to any place, so that the process cannot be served on him; the tehseeldar who may issue the writing, is immediately to represent the case to the Collector, and to transmit a soorut-

Tehseeldar to advise the Collector.

haul, or circumstantial report of it, under the seal of the cauzy, and the attestations of the sheristadars; whereupon, if the party thus accused shall not intermediately have made his appearance at the Collector's cutcherry, the Collector shall issue a summons to him requiring him to repair to his cutcherry for the explanation of his conduct, and for the payment of his kist, along with the two peons, or the single sowar, either of whom, the Collector at his discretion may depute to serve this summons. Upon the arrival of the party at the cutcherry of the Collector, the latter is to enquire into the circumstances of the case, and as may appear to him proper on a consideration of them, either order the offender to be committed to temporary confinement for any term not exceeding ten days, or to exact sufficient hazir or fael zamiuy, from him. If the non-attendance of the party, in the first instance, shall be found to have arisen from any misconduct in the tehseeldar's peon, who served the process, he is to be dismissed, and declared incapable of being again employed in any revenue capacity whatsoever, and accordingly, no tehseeldar shall afterwards employ him; and the tehseeldar shall also be removed in case the resistance of the party served with the process, shall appear to the Collector to have arisen from the injustice of the demand of revenue made on him. Of all orders for the confinement or dismission of peons or tehseeldars under this regulation, the Collector is to make a separate monthly report to the Board of Revenue, who are thereon to issue such further instructions for his guidance, as they may think proper.*—*Reg.* VI. 1795, *Sect.* 20.

Collector to summon the party.

Extent of the Collector's authority in the cognizance and punishment of such offences.

Ceded Prov. Reg. XXVII. 1803, Sect. 20.

188. In all cases in which the Collector shall order any zemindar or farmer to be confined, under the authority vested in him by Section 20, he shall cause a notice thereof, and of the date from which such imprisonment is to commence, to be made through the vakeel of Government, to the Judge of the Dewanny Adawlut within whose jurisdiction the lands of such zemindar or farmer shall be situated; and such notices are to be filed

Collector to cause to be filed a record in the Courts of Justice, of the confinement of zemindars or farmers under Section 20.

Benares, Ceded Provinces.

* The Rules for cases in which proprietors in Benares and the Ceded Provinces may resist the process of the revenue officers, correspond exactly with those enacted for a similar offence in Bengal, Behar and Orissa; vide Sect. 15 of this Chapter.

of record in the Courts, to guard against any undue protraction of the term of such commitments.—*Reg.* VI. 1795, *Sect.* 21.

Ceded Prov. Reg. XXVII. 1803, Sect. 21.

Collector to attach lands ordered to be sold.

Benares.

189. When lands are ordered to be sold under this regulation, the Collector, (unless the lands shall have been previously committed to the charge of a tehseeldar, or other native officer, in which case, such officer is to perform the duties hereafter specified in this section,) is immediately to issue instructions to the tehseeldar of the pergunnah, to hold the lands in attachment, collect the rents and revenues under the rules and restrictions prescribed regarding lands under attachment in Section 15, and to prevent waste being committed by the defaulter, and furnish any information that may be required for the adjustment of the jumma to be assessed on the lands directed to be sold.—*Reg.* VI. 1795, *Sect.* 31.*

Collectors shall not attach the estate or farm of any proprietor without the sanction of the Board of Revenue unless in particular cases.

Ceded Provinces.

190. No attachment of an estate or farm shall be made without the sanction of the Board of Revenue except in the cases, where the Collector may deem the same expedient to induce the payment of the arrear by the defaulter; or to obtain accurate information of the assests of the estate for the purpose of disposing of a portion of it by public sale at the close of the year; or to prevent his misappropriation of the remaining rents of the year. Where an attachment may be deemed advisable for the purposes above stated, the entire estate shall be attached. Estates or farms shall, in no case, be liable to attachment, during the three first months of the Bengal, Fussily, or Willaity year (according to the era current in the several districts,) without the sanction of the Board of Revenue, to that effect, being first had and obtained by the Collector. But this rule shall not be considered as applicable to attachments which have been made in the preceding year, and continued after the expiration of it, with a view to the lands being brought to sale for the recovery of the arrear due from them.—*Reg.* XXVII. 1803, *Sect.* 52.

The entire estate shall be attached.

No attachment shall be made during the three first months of the year without the orders of the Board of Revenue.

Attachments made in the preceding year excepted.

Rule of proceeding when an arrear of revenue on account of muhals not permanently

191. Whenever an arrear of revenue shall accrue on account of any muhal, for which an engagement may have been taken from the proprietors or persons recorded as proprietors,

* Vide Par. 3, of this Chapter.

not being an estate of which the assessment has been fixed in perpetuity, and the malgoozars shall fail to discharge the same within one month of the date on which it became due, then if there shall appear to be any objection to the sale of the estate, and the arrears cannot otherwise be recovered (on which points the decision of the revenue authorities is to be held conclusive) it shall be competent to the Collector or other officer exercising the powers of Collector, with the sanction of the Board, and subject to the orders of Government, to annul the existing engagements with the malgoozars, and to let the muhal in farm for such period, not exceeding 15 years, as the Governor General in Council may appoint or to hold the muhal under khas management for a like period. In such cases, if the muhal shall yield a higher jumma than that for which the malgoozars may have engaged, the excess shall in the first place be appropriated to the liquidation of the arrear due on account of it, or such portion thereof as the farmer may not have separately agreed to discharge or as may not otherwise have been recovered, and, out of any surplus remaining, the malgoozars shall receive such malikanah, not being less than 5 per cent. nor more than 10 per cent. on the assessment of the last year of their engagement, as the Governor General in Council may direct.—*Reg.* IX. 1825, *Sect.* 4.

assessed may not be paid within one month after it becomes due and objections appear to a public sale.

Existing engagements may be annulled and the muhal let in farm.

If a higher jumma be obtained the excess to be appropriated to the liquidation of the arrear and to the payment of malikanah to the malgoozar.

SECT. XXI.

Collection of the Revenue in the district of Cuttack, and the Pergunnah of Puttaspore.

192. Whereas it is deemed expedient with the view to ensure for the future the more punctual collection of the public revenue from zemindars, talookdars and other actual proprietors of land and farmers of land in the district of Cuttack, the pergunnah of Puttaspore, and the several places dependent on it, to assimilate the system of collection in the said district and pergunnah, and places, more nearly to that pursued in the western provinces; the following rules have been accordingly enacted, to be in force from the promulgation of this regulation in the district and muhals above mentioned.—*Reg.* X. 1818, *Sect.* 1.

Preamble. *Cuttack.*

193. If the whole, or a portion of the kist or instalments payable for any month by a proprietor or a farmer of land,

The whole or a portion of a kist, payable for any

month, if undischarged on the 1st of the next month, to be considered an arrear of revenue.

shall remain undischarged on the 1st of the following month. the sum so remaining unpaid is to be considered an arrear of revenue.—*Reg.* X. 1818, *Sect.* 2.

Cuttack.

Every proprietor and farmer to pay the instalments for each month, on or before the 1st of the ensuing month, without waiting for the amount being demanded.

194. Every proprietor of land, and farmer of land is to cause the whole of the instalments of each month to be paid into the treasury of the Collector of the zillah, or to the tehseeldar, or other officer, who may be appointed to receive the public revenue, assessed on the estate or farm, on or before the first day of the following month, without waiting for the amount being demanded by the Collector or tehseeldar, or other officer.—*Reg.* X. 1818, *Sect.* 3.

Ditto.

In the event of any arrear remaining undischarged, Collector to issue a dustuck, or send a written notice, requiring payment within a given period.

195. In the event of any arrear of revenue being undischarged on the first day of the month succeeding that for which the arrears may be due, the Collector shall, in ordinary cases, either issue his dustuck by a peon or send a written notice by letter through the agents of the parties in attendance at his cutcherry, requiring payment of the kist due within a certain period, after the day on which the writing may be served. In fixing that period, reference shall be had to the distance of his place of residence from the estate or farm of the defaulter, so as to allow him a reasonable time to convey the money to the public treasury, and in determining which of the above modes of process shall be adapted, the Collector shall be guided by a consideration of the credit and responsibility of the parties: Provided, however, that in cases, in which it may appear to the Collector unnecessary to issue a written demand, previously to the adoption of ulterior measures for the recovery of any arrear of revenue, it shall be competent to him altogether to omit that process.—*Reg.* X. 1818, *Sect.* 4.

Ditto.

In fixing such period reference to be had to certain circumstances.

Proviso.

Should the arrear still remain unpaid, Collector how to proceed.

196. If the arrear demanded be not discharged by the time prescribed in the requisition issued by the Collector, or where a written demand may not have been issued by the 10th of the month, the Collector shall issue dustucks under his seal and signature, and the peons serving such dustucks (if the amount in demand be not paid) are to bring the party or parties to whom they are addressed, whether proprietor, farmer, or the surety of either, without delay to the Collector's cutcherry. The peons serving these dustucks shall be paid at the rates already established in the province. On the arrival of the defaulters, or their sureties, at the Collector's station, the Collector shall make enquiry into the circumstances of the case, and

Ditto.

if the amount demandable be not paid, may keep the party or parties under arrest (in charge of the peons with whom they arrived or otherwise) during fifteen days from the date of their arrival: Provided however, that the Collector may discharge the defaulter or his surety at any time within this period, on their satisfying him, that they will make good the payment required from them before the expiration of the current Hindoo month. But if such satisfaction be not given, and the Collector shall not judge proper, under the discretion vested in him by the existing Regulations, in regard to cases in which the proprietor or farmer of land may be unable to discharge the arrear from calamity of season, or other cause not originating in his or their neglect, mismanagement or misconduct, to suspend the imprisonment of the defaulter or his surety, he shall at the expiration of the fifteen days above specified, cause the party or parties to be conveyed to the jail of the nearest Court of Dewanny Adawlut; and shall apply to the Court by motion in writing, specifying the amount of the arrear due from the defaulter, and the date on which it became payable. The motion shall be made in open Court (if the Court shall be sitting) through the pleader of Government or other vakeel retained for the purpose, for the confinement of the defaulter: But if the Court shall not be sitting, the motion shall be presented to the judge or register out of Court. On receipt of the motion, the judge or register shall immediately order the defaulter to be confined in the jail of the Dewanny Adawlut, and detained until he shall have discharged the arrears, for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the Collector shall apply to the Court as above directed to have him released. In all cases in which defaulting farmers or proprietors of land, or the sureties of either shall be put in confinement, it shall be optional with the Collector at his own discretion to attach their lands and make the collections according to subsisting engagements, excepting such as are evidently collusive, to the end of the current year, or, at the request of the parties, to allow the estate to remain under the management of an agent appointed by them: Provided, however, that in either case, if the neat collections prove insufficient to discharge the arrears due, the estate shall be considered liable to sale by public auction, under the existing rules.—*Reg.* V. 1818, *Sect.* 5, *Cl.* 1.

Discretionary authority vested in the Collector to discharge from arrest, conditionally, a defaulter or his surety.

Defaulter, if not so discharged, to be conveyed at the end of fifteen days to the Dewanny Jail.

In cases in which defaulters may be so confined, the Collector may attach their land and make the collections.

Proviso.

Collector may also attach the estate of a defaulting proprietor or farmer, or the surety of either, without arresting his or their persons.

Cuttack.

197. Provided also, that the Collector may proceed to attach the estate of the defaulting proprietor, or farmer, or the surety of either, without arresting his or their persons, in conformity with the rules established for that process by Regulation VII. of 1799, in any month of the year.—*Reg.* X. 1818, *Sect.* 5, *Cl.* 2.

Collector may distrain and sell any personal property belonging to the defaulter or his surety, for the recovery of the Revenue.

Ditto.

198. Provided further, that if the Collector shall be of opinion that instead of confining the person of the defaulter, or the surety, and attaching his estate or farm, the arrear due from him will be more speedily discharged by distraining and selling any personal property belonging to the defaulter or his surety; or if in any case, notwithstanding the confinement of a defaulting proprietor or farmer or surety, and the attachment of his estate or farm for an arrear of revenue, such arrear be not discharged, and the defaulter or his surety shall possess any personal property from which the same can be made good, the Collector may cause the personal property of the defaulter, or his surety, to be distrained and sold, as far as shall be necessary for the recovery of the arrear due, in the mode and under the restrictions prescribed by the Regulations, with regard to the distress and sale of personal property of under-tenants, for the recovery of arrears of rent due from them to proprietors and farmers.—*Reg.* X. 1818, *Sect.* 5, *Cl.* 3.

Collector may advertise defaulter's lands for sale, giving notice thereof to the Board of Revenue, or other executive authority; but not to proceed to the actual sale of such lands, without the sanction of the Board or authority.

Ditto.

199. Provided likewise, that whenever any portion of an instalment of revenue, payable in any month, remains undischarged on the first of the following month, the Collector may forthwith, or at any subsequent period (such arrear still remaining undischarged) with or without serving on the defaulter, whether a proprietor or farmer, a written demand, advertise lands the property of the defaulter, or his surety, for public sale; reporting the same with all convenient expedition to the Board of Revenue, or other authority exercising the powers of that Board: but the Collector shall in no case proceed to the actual sale of the landed property of a defaulting proprietor, or farmer or the surety of either, without the express sanction of the Board or other authority aforesaid, previously obtained; and it shall be the duty of the revenue authorities to avoid having recourse to the public sale of the landed property of defaulters and their sureties, except in cases in which they may be satisfied that such a measure is necessary to the realization of the dues of Government; and that the other measures au-

thorized in the preceding sections would prove insufficient for that purpose—*Reg.* X. 1818, *Sect.* 5, *Cl.* 4.

Collectors of Cuttack and Hidgelee in instances of arrears accruing within that district and pergunnah, to be careful to ascertain the real causes of the arrears, and authorized to suspend the exercise of the powers vested in them, in cases which may appear to deserve consideration.

Cuttack.

200. Under the ample powers now vested in the Collectors of Cuttack and Hidgelee, for ascertaining the assets of estates lying within the district and pergunnahs, to which this Regulation extends, by the process of attachment, and for bringing defaulters into their presence as soon as an arrear becomes due, it is expected that in all instances of arrears accruing within the said district and pergunnahs, the above-named functionaries will be particularly careful to inform themselves as far as possible of the real cause of the arrear; viz. whether want of good faith on the part of the defaulter, or actual inability from a failure in his rents, from calamity of season or from any other cause. When the Collector, from the report of his mofussil officers, from personal observations, or from other information, obtained by him, shall be satisfied that the defaulter, whether proprietor or farmer, is unable from real inability, not proceeding from any personal deficiency, to make good his arrears by the periods specified in Section 5, either from the collections from his estate or farm, or from his private funds, or property, he is directed to suspend the exercise of the powers vested in him, for the confinement of the defaulter, the attachment of his estate, the distraint and sale of his or his surety's personal property, and immediate advertisement of his or his surety's landed property for sale by public auction. But the Collector shall on such occasions immediately report all the circumstances of the case to the Board of Revenue, Commissioner, or other authority exercising the powers of that Board, and shall be guided by the instructions, which he may receive from the Board of other authority aforesaid. In forwarding his monthly towjees also to the Board, or other authority exercising the powers of that Board, the Collectors shall state particularly the number of cases, in which he has found it necessary to resort to coercive measures of the nature authorized in preceding sections, as well as those in which he has considered it just and expedient to suspend the exercise of his powers; and the Board or other authority aforesaid, are hereby required to notice in their reports to the Governor General in Council on the towjee accounts of the district, and pergunnahs aforesaid, the attention or otherwise of the Collec-

To report such cases to the Board.

tor to this important part of his duty.—*Reg.* X. 1818, *Sect.* 7.

Nothing in this Regulation to be understood as affecting existing Regulations for the collection of Revenue in Cuttack except such as are expressly superseded.

Cuttack.

201. Nothing contained in this Regulation, shall be understood to alter or affect any of the provisions of existing regulations relative to the collection of the land revenue in the zillah of Cuttack, excepting where they are virtually or expressly superseded, or modified by any of the above enactments.—*Reg.* X. 1818, *Sect.* 8.

SECT. XXII.

Advances and Arrears of Tuccavy.

Board of Revenue empowered to advance tuccavy under restrictions herein specified.

202. The Board are also authorized to grant advances of tuccavy to proprietors or farmers of land, where it shall appear essentially necessary, in proportions not exceeding five per cent. on the revenue payable from the lands to Government, reporting all such instances to the Governor General in Council. Where a large sum may be required, his sanction must be previously obtained. The interest to be taken on such advances, is to be one per cent per mensem.—*Reg.* II. 1793, *Sect.* 44.

Sums advanced as tuccavy or poolbundy, &c. to be recovered under this regulation, in the same manner as arrears of revenue.

203. Arrears of tuccavy, or any money advanced by Government to proprietors or farmers of land, for making or repairing embankments, reservoirs, or water courses, or other improvements to their estates or farms, are to be recovered by the same process as is prescribed for exacting payment of arrears of revenue, and under the same rules and restrictions as far as they may be applicable.—*Reg.* XIV. 1793, *Sect.* 40.

Tuccavy, &c. are to be recovered in the same manner as arrears of revenue.

204. Arrears due from proprietors on account of advances made to them by Government for any of the purposes specified in Section 40, Regulation XIV. 1793, are to be recovered by the same process as balances of revenue.—*Reg.* III. 1794, *Sect.* 8.

Benares Reg. VI. 1795, Sect. 46, and Reg. XVII. 1795, Sect. 46;—Ceded Prov. Reg. XXVII. 1803, Sect. 43, and Reg. XXXV. 1803, Sect. 20.

SECT. XXIII.

Collection of Revenue on Lands belonging to Native Officers or Soldiers.

Any registered

205. Any registered proprietor of an estate paying revenue

to Government, who may be entertained as a native officer or soldier on the Military establishment under the presidency of Fort William, shall be at liberty to notify the same in a petition to the Collector, specifying the rank which he may hold and the designation of the corps to which he may be attached. A memorandum of such notification shall be inserted by the Collector in the public registers and accounts relative to the estate and its assessment, and in cases in which the estate, or a portion of the estate of a native officer or soldier, who may have duly made such notification, shall become liable to public sale for the recovery of an arrear of revenue; the Collector shall address an official letter to the commanding officer of the corps, drawn up in the form prescribed in No. 5, of the Appendix to this Regulation; the Collector shall enclose in such letter a written notice, signed and sealed by himself and attested by the principal native officer on his establishment, specifying the amount of the arrear, the date on which it became due, and requiring it to be paid at the treasury of the collectorship within such limited period of time, as on consideration of the distance, at which the corps may be stationed, and other circumstances of the case, may appear to be proper and reasonable.—*Reg.* XV. 1816, *Sect.* 9, *Cl.* 1.

proprietor of an estate paying revenue to Government entertained as a native officer or soldier may notify the same to the Collector.

Duty of the Collector in such cases, and in the event of an arrear of revenue becoming due.

FORM No. 5.

To ——————

Commanding Officer of the——Battalion——Regiment.

Sir,

I have the honour to inform you that the right of (A. B.) in the village (or estate) of —————— is about to be sold on account of arrears of public revenue for the year————.

In conformity with the first clause of Section 9, Regulation XV. 1816, I herewith enclose a written notice to be communicated to —————— said to be an officer (or sepoy) in the corps under your command, and who is alleged to be the proprietor (or sharer) of the village or estate in question.

You are requested to acknowledge the receipt of this letter, and to furnish the information required in the 2d clause of Section 9, Regulation XV. 1816.

I am, Sir, &c.

Dewanny Adawlut. *Judge.*

Duty of the commanding officer on receiving from the Collector a report of such arrears.

206. The commanding officer of the corps shall acknowledge the receipt of the Collector's letter and shall specify the date on which the notice may have been communicated to the party, or the circumstances which may have rendered it impracticable to make such communication.—*Reg.* XV. 1816, *Sect.* 9, *Cl.* 2.

Collectors how to proceed in cases where arrears may not be discharged within a specified time.

207. If the native officer or soldier shall omit to discharge the arrear within the term specified in the notice, the Collector shall report the circumstances of the case to the Board of Revenue, or to the Board of Commissioners, or to the Commissioner in Behar and Benares respectively, transmitting at the same time a copy of the notice and of his correspondence with the commanding officer, and shall be guided in his further proceedings by the orders which he may receive in each case from the Board or Commissioner.—*Reg.* XV. 1816, *Sect.* 9, *Cl.* 3.

SECT. XXIV.

Purchases of Estates for Government.

In case of a purchase by Government, the rules for khas management to be applicable.

208. If a Collector shall at any time, being so instructed by either the Government or the Board, purchase on account of Government, an estate exposed to sale for the recovery of arrears of revenue, the rules applicable to the management of ordinary malgoozaree muhals held khas, or farmed, shall be considered applicable to such estate, and also to all other estates, the property of Government, according as they may be held khas, or let in farm.—*Reg.* XI. 1822, *Sect.* 36.

SECT. XXV.

Miscellaneous Rules.

Collectors to have the power of punishing for contempt.

209. With a view to enable the revenue authorities to maintain due order in their Cutcherries, more particularly at the time of conducting judicial investigations and holding public sales, it is hereby enacted, that the Board of Revenue, or other authority exercising the powers of that Board, or any Member thereof exercising separate authority, the Collectors of land revenue, or other covenanted officer employed in the collection of the revenues, shall be competent to punish any contempt, outrage, or disturbance committed in open cutcherry in their presence, by fine to an extent not exceeding 100 Rupees,

commutable, if not immediately paid, to imprisonment in the Dewanny jail of the district for a period not exceeding fifteen days. A similar power shall be vested in any officer employed in conducting public sales under the authority of the revenue Board.—*Reg.* XI. 1822, *Sect.* 37, *Cl.* 1.

Orders in such cases to be final, saving the power of control vested in the Boards and Government.

Zillah Judges are to enforce the penalty ordered, in the same manner as if adjudged by a Court.

210. The orders passed in such cases by the aforesaid officers shall be final, saving the general powers belonging to the Board and to Government, of revising and controlling the acts of subordinate Revenue officers, and the zillah Judges are required on receiving a copy of the order passed by such officer adjudging the aforesaid penalty, immediately to take measures to enforce the same, in the same manner as if a like penalty had been imposed by order of Court.—*Reg.* XI. 1822, *Sect.* 37, *Cl.* 2.

Government not liable for errors of the Courts of Justice, whether Revenue officers be or be not employed in executing the Court's order.

211. It is hereby declared and enacted, that Government is not, and shall not be held liable for any error, or irregularity which may have occurred, or shall occur in any order, proceeding, or decree of any Court of judicature, whether a Revenue, or other officer of Government may or may not have been, or shall or shall not be employed, in giving effect to the order, proceeding, or decree deemed to be erroneous or irregular. Nor shall any officer of Government be held liable for any thing done, or suffered in conformity with an order, proceeding or decree of a Court as aforesaid, and if any person or persons shall sue Government or any officer of Government for any thing done or suffered under an order, proceeding or decree of Court as aforesaid, such person or persons shall be nonsuited, with costs. The same principle is and shall be held applicable to all orders, proceedings, or decrees made, held, or passed by any public officer, in virtue of powers vested in him for the judicial cognizance of any pleas, suits, complaints, or informations whatsoever, unless otherwise specially provided.—*Reg.* XI. 1822, *Sect.* 38.

Provincial, zillah, and city Courts, to set apart one, or two, or more days in a week, for the trial of suits respecting rent or revenue, &c.

212. The provincial Courts of appeal, and the zillah and city Courts, are to appropriate one day, or two or more days when they shall deem it necessary, in each week, for the trial of all suits between Government or the Collectors, and proprietors or farmers of land, regarding demands on account of the public revenue assessed upon the lands, or advances for tuccavy, water courses, reservoirs, or embankments, and also suits between proprietors and farmers of land, and dependant talook-

dars, regarding revenue, or between any of the above descriptions of persons, and their under-farmers and ryots, regarding rent, or the rates of pottahs, or advances for tuccavy, water courses, reservoirs, or embankments. The Courts are to proceed to the trial of the causes above-mentioned on the days so allotted, without regard to any other descriptions of causes that may have been previously filed, which are to be tried on separate days.—*Reg.* III. 1794, *Sect.* 22.

Benares Reg. V. 1800, Sect. 13.

CHAPTER IX.

REALIZATION OF RENT.

Engagements, Leases and Pottahs.

SECT. I.

Engagements between the Zemindar and Dependant Talookdars.

All talookdars who may consider themselves entitled to have their talooks separated to apply to the Collector of the zillah within one year from the date of this regulation, after which period no talook will be considered separable unless such application shall have been made.

1. The rules contained in Regulation VIII. 1793, for the separation of certain talookdars, the actual proprietors of the lands composing their talooks, from the zemindarries to which they were attached at the period of the decennial settlement, having been construed to entitle talookdars of that description, who did not apply for separation at the time of the decennial settlement, to be separated on their application at any subsequent period; and it being necessary for the security of purchasers at the public sales that some period should be fixed for the operation of the above rules, to prevent their being at all times liable to deprivation of a part of their purchases; it is hereby required, that all talookdars who, as proprietors of the lands composing their talooks, may consider themselves entitled under Section 5, Regulation VIII. 1793, or any other part of that regulation, to be separated from the zemindarries to which their talooks are attached, shall prefer a written application to the Collector of the zillah in which their talooks may be situated for the separation thereof, within one year from the date of this regulation, under penalty of forfeiting all title to separation under Regulation VIII. 1793, if they shall omit to apply as directed within the prescribed period; at the expiration of which the operation of the section above-mention-

ed shall be considered extinct with regard to all talooks for which no claim to separation may have been then preferred; and such talooks shall thereafter be considered as dependant talooks, not entitled to be separated from the zemindarries to which they may be attached; though in other respects the rights of the talookdars are not meant to be in any degree affected by this regulation. It is further hereby declared, that the rules regarding separable talooks contained in Regulation VIII. 1793, were never meant to be applied to any new talooks constituted since the period of the decennial settlement. By Section 9, Regulation I. 1793, the zemindars and all other proprietors of land have been declared at liberty to transfer by sale, gift, or otherwise, their proprietary rights in the whole or any portion of their respective estates; but by Section 10, of the same regulation, it is required that all such transfers be notified to the Collector of the zillah, that the fixed jumma assessed upon the whole estate may be apportioned on the several shares in the manner therein prescribed; that the names of the proprietors of each share and the jumma assessed thereon may be entered upon the public registers; and that separate engagements for the payment of the jumma assessed upon each share may be executed by the proprietors, who are thenceforward to be considered separate proprietors of distinct estates; but until such notification and separation shall have been made, the whole of the estate is declared responsible to Government for the discharge of the fixed jumma assessed upon it, in the same manner as if no transfer had taken place. This declaration is also repeated in Section 28, Regulation XXV. 1793,* which contains the specific rules established by Government for the division of estates paying revenue, and the allotment of the jumma upon the several portions thereof. If therefore any zemindar shall have disposed of his proprietary rights in any portion of his zemindary, subsequently to the promulgation of the regulation above-mentioned, whether under the denomination of an independent talook or otherwise, and the talookdar or other person to whom the portion of an estate may have been so transferred, shall have omitted to obtain a separate allotment of the public assessment thereon, in the mode prescribed by the regulations, such transfer, as far as respects the rights of Government, must

Rights of the talookdars in other respects not meant to be in any degree affected by this rule.

Rules contained in Regulation VIII. 1793, regarding separable talooks declared not applicable to any talooks constituted since the decennial settlement.

Transfer of the proprietary right in portions of estates since the date of Regulation XXV. 1793, without observance of the rules contained in that regulation, and Regulaton I. 1793, declared invalied as far as respects the rights of Government.

* This Regulation has been repealed. Vide DIVISION OF ESTATES.

be considered altogether invalid; and if the land, so privately transferred, but not separately assessed, should have been since, or shall be hereafter, included in any public sale for arrears of revenue, the illicit and imperfect private transfer, must be deemed to have been altogether done away. In such cases the lands transferred, until publicly registered and separately assessed, form part of an undivided estate; and as such are liable to be sold for any arrear of revenue which may be due from any part of the estate. Provided however, that nothing in this section be considered applicable to dependant talooks, or other tenures dependant on the estate to which they are attached, and from which, by their title deeds or otherwise, they are not entitled to be separated as a distinct estate. Section 6, Regulation XLIV. 1793, authorizes and confirms such tenures, subject to the restrictions contained in Section 2 and 5 of that regulation; with the explanation of the latter in Section 7, Regulation IV. 1794: and Clause Fifth, of Section 29, Regulation VII. 1799.—*Reg.* I. 1801, *Sect.* 14.

Nothing in this section to be applied to dependant talooks or other dependant tenures.

2. The settlement having been concluded with the zemindars, independant talookdars, and other actual proprietors of land, they are to enter into engagements with the several dependant talookdars, continued under them respectively, and consequently paying revenue through them, for the same period as the term of their own engagements with Government, provided the talookdars will agree to such revenue, progressive or otherwise, as the zemindar or other actual proprietor of land, may be entitled to demand from them; and the several zemindars, or actual proprietors of land to whom this rule may be applicable, are required to deliver to the Collector, within three months after the conclusion of the settlement with them, a record of the engagements entered into between them and the talookdars dependant on them, specifying their names and talooks, and the jumma payable by each.—*Reg.* VIII. 1793, *Sect.* 48.

Settlement to be made by proprietors with the talookdars continued under them, and in what manner.

Bengal, Behar, and Orissa.

3. It is to be understood however, that istemrardars (mocurrerydars) of the nature of those described in Section 18, who have held their land at a fixed rent for more than twelve years, are not liable to be assessed with any increase, either by the officers of Government, or by the zemindar or other actual proprietor of land, should he engage for his own lands. With regard to such istemrardars also, as have not held their lands at

Restrictions regarding the assessment of a certain description of istemrardars who are to be considered as leaseholders.

Ditto.

a fixed rent for so long a period, if the zemindar or other actual proprietor of land, has bound himself by the deed which he may have executed; not to lay any increase upon them, he shall not be allowed to infringe the conditions of the deed for his own benefit, but must confine his demands to the rent he may have voluntarily agreed to receive.—*Reg.* VIII. 1793, *Sect.* 49.

To what the last restriction imposed on actual proprietors of land in the preceding Section is not to extend.

Bengal, Behar, and Orissa.

4. This last restriction imposed on the zemindar, or other actual proprietor of land, in Section 49, is not to be considered to preclude the officer of Government or farmer, in the event of the zemindarry being held khaus, or let in farm, from assessing such istemrardars, according to the general rate of the district. —*Reg.* VIII. 1793, *Sect.* 50.

Further rules to prevent undue exactions from the talookdars.

Ditto.

5. The following rules are prescribed to prevent undue exactions from the dependant talookdars.—*Reg.* VIII. 1793, *Sect.* 51.

Proprietors not to demand an increase from such talookdars excepting in the cases herein specified.

Ditto.

6. No zemindar or other actual proprietor of land, shall demand an increase from the talookdars dependant on him, although he should himself be subject to the payment of an increase of jumma to government, except upon proof that he is entitled so to do, either by the special custom of the district, or by the conditions under which the talookdar holds his tenure; or that the talookdar, by receiving abatements from his jumma, has subjected himself to the payment of the increase demanded, and that the lands are capable of affording it.—*Reg.* VIII. 1793, *Sect.* 51, *Cl.* 1.

Penalty for proprietors making exactions from talookdars.

Ditto.

7. If in any instance it be proved, that a zemindar or other actual proprietor of land, exacts more from a talookdar than he has a right to, the Court shall adjudge him to pay a penalty of double the amount of such exaction, with all costs of suit to the party injured.—*Reg.* VIII. 1793, *Sect.* 51, *Cl.* 2.

Engagements may be renewed, and new leases granted, before the commencement of the last year of the lease, in certain cases.

Ceded Provinces.

8. Nothing contained in the foregoing clause shall be considered as restricting zemindars, independant talookdars, or other actual proprietors of land, with whom a permanent settlement shall be concluded, from cancelling engagements into which they may have entered with any dependant talookdar for a term not exceeding ten years, at any time during such engagements or from granting a new lease to such dependant talookdar for a period not exceeding ten years from the date of cancelling the former engagements, provided the parties concerned shall be mutually desirous of cancelling the former

lease, and of entering into a new one for a term not exceeding ten years, and shall voluntarily consent to the same, and provided further, that the transaction shall not be founded in collusive or fraudulent motives, intended to affect the rights or interests of Government, or of any person or persons. Whenever it shall appear, that a former lease has been cancelled, and that a new lease has been granted, before the commencement of the last year of the former lease, without the mutual consent of the parties concerned, or that the parties had been influenced by collusive or fraudulent motives in entering into new engagements of the above nature, such engagements are declared to be null and void, and the former engagements shall be restored, subject to the operation of the regulations relating to him.—*Reg.* XLVII. 1803, *Sect.* 2, *Cl.* 3.

Existing engagements between proprietors and their dependant talookdars, under-farmers, and ryots, if conformable to this regulation not to be affected by divisions of the estate made pursuant to judicial decrees or the request of the joint proprietors.

9. Where a division of a joint estate shall be made at the request of the proprietors, or pursuant to the decree of a Court of justice, the fixed public revenue assessed upon the whole estate shall be apportioned on the several shares agreeably to the principles prescribed in Section 10, Regulation I, 1793, without regard to any engagements that may subsist between the proprietors and their dependant talookdars, (excepting the dependant talookdars described in Section 7,) under-farmers, or ryots. But the sharers shall not demand from the dependant talookdars, under-farmers, or ryots, in their respective shares any sum beyond the amount specified in the engagement, lease, or pottah, which may have been entered into between them and the proprietors jointly previous to the division of the estate, provided that such engagement, lease, or pottah, be not repugnant to the rules prescribed in Section II, and such dependant talookdars, under-farmers, or ryots, shall duly perform their part of it; but it shall remain in full force (excepting in the event of the lands being disposed of at public sale for the discharge of arrears of the public assessment) until the term of it shall have expired.—*Reg.* XLIV. 1793, *Sect.* 3.

Ceded Prov. Reg. XLVII. 1803, Sect. 3.

Engagements above-mentioned not to be affected by the transfer of the lands by public sale (except for arrears of revenue) or by any private

10. If the whole or a portion of any estate shall be transferred by public sale (excepting it be so disposed of for the discharge of arrears of the public revenue) or by private sale, gift, or otherwise; or devolve to any person upon the death of the former proprietor, according to the Hindoo or Mahomedan

ant of the proprietors.

law of inheritance, the person or persons to whom the lands shall be so transferred or may so devolve, shall not demand from the dependant talookdars, under-farmers, or ryots in the lands transferred, any sum beyond the amount specified in the lease, pottah, or other engagement, for the payment of rent or revenue which may have been entered into between them and the former proprietor previous to the transfer, or devolution, provided that such engagement be not repugnant to the rules prescribed in Section 2, and that such dependant talookdars, farmers, or ryots, duly perform their part of it, but it shall remain in full force until the term of it shall have expired.—*Reg.* XLIV. 1793, *Sect.* 4.

Ceded Prov. Reg. XLVII. 1803, Sect. 4.

This regulation not to prohibit proprietors from disposing of dependant talooks.

Bengal, Behar, and Orissa.

11. Nothing contained in this regulation shall be construed to prohibit any zemindar, independant talookdar, or other actual proprietor of land, selling, giving, or otherwise disposing of any part of his lands as a dependant talook.—*Reg.* XLIV. 1793, *Sect.* 6.

Nor to affect the jumma of the talookdars, whose jumma is declared unalterable by Section 51, Regulation VIII. 1793.

Ditto.

12. Nor to authorize the assessment of any increase upon the lands of such dependant talookdars as were exempted from any increase of assessment at the forming of the decennial settlement in virtue of the prohibition contained in Clause First, Section 51, Regulation VIII. 1793. The revenue payable by such dependant talookdars is declared fixed for ever, and their lands are accordingly to be rated at such fixed assessment in all divisions of the estate in which their talooks are included. —*Reg.* XLIV. 1793, *Sect.* 7.

Restrictions relative to the assessment of certain descriptions of istimrardars, who are to be considered as leaseholders.

Ceded Provinces.

13. Nothing contained in this regulation shall be construed to authorize any zemindar, or other actual proprietor of land, or any farmer of land, or any other person whatever, to demand an increase of rent from any mocurrerydar, istimrardar, or other description of under-tenant of land, who, at the period of the cession of the Nawaub Vizier to the English East India Company, on the 10th of November, 1801, shall have been entitled to hold his tenure at a fixed annual rent, and shall have actually held the same at a fixed, invariable, amount, for twelve complete years before that period. On the contrary, any such under-tenants provided they shall clearly establish, that, by the conditions of their tenures, they were not liable to any increase of rent, and that they actually paid a fixed, inva-

riable, annual rent during the above period, are hereby declared exempt from all enhancement of their fixed rent by any proprietor or farmer of land, or by any officer of Government, during the continuance of their tenures, according to the terms and conditions thereof.—*Reg.* XXX. 1803, *Sect.* 12.

Restrictions alluded to in Section 52.

Bengal, Behar, and Orissa.

14. No person contracting with a zemindar, independant talookdar, or other actual proprietor, or employed by him in the management of the collections, shall be authorised to take charge of the lands or collections, without an amilnamah, or written commission, signed by such zemindar, independant talookdar, or other actual proprietor.—*Reg.* VIII. 1793, *Sect.* 53.

Proprietors and dependant talookdars, restricted from entering into engagements contrary to this regulation.

Ditto.

15. No proprietor of land, or dependant talookdar, shall contract any engagment, with any underfarmer, or authorize any act, contrary to the letter and meaning of this regulation.—*Reg.* VIII. 1793, *Sect.* 65.

SECT. II.

Rates of Pottahs.

Rules for determining disputes regarding the rates of pottahs to be granted under Regulation VIII. 1793.

Ditto.

16. The approbation of the Collector required to be obtained to pottahs by Section 58, Regulation VIII. 1793, is to be considered to extend to the form only.* If a dispute shall arise between the ryots and the persons from whom they may be entitled to demand pottahs, regarding the rates of the pottahs (whether the rent be payable in money or kind) it shall be determined in the Dewanny Adawlut of the zillah in which the lands may be situated, according to the rates established in the pergunnahs for lands of the same description and quality as those respecting which the dispute may arise.—*Reg.* IV. 1794, *Sect.* 6.

Rule in the preceding section applied to the renewal of pottahs that may expire or become cancelled under Regulation XLIV. 1793

Ditto.

17. The rules in the preceding Section are to be considered applicable not only to the pottahs which the ryots are entitled to demand in the first instance under Regulation VIII. 1793, but also to the renewal of pottahs which may expire or become cancelled under Regulation XLIV. 1793. And to remove all doubt regarding the rates at which the ryots shall be entitled to have such pottahs renewed, it is declared, that no proprietor or farmer of land, or any other person, shall require ryots

* This is repealed.

whose pottahs may expire or become cancelled under the last mentioned regulation, to take out new pottahs at higher rates than the established rates of the pergunnah for lands of the same quality and description, but that ryots shall be entitled to have such pottahs renewed at the established rates, upon making application for that purpose to the person by whom their pottahs are to be granted, in the same manner as they are entitled to demand pottahs in the first instance, by Regulation VIII. 1793.—*Reg.* IV. 1794, *Sect.* 7.

Rules for determining disputes regarding the rates of pottahs to be granted under this regulation.

Ceded Provinces.

18. If a dispute shall arise between the ryots, or other under-tenants, and the persons from whom they may be entitled to demand pottahs, regarding the rates of the pottahs, (whether the rent be payable in money or kind) it shall be determined in the Court of Adawlut of the zillah in which the lands may be situated, according to the rates established in the pergunnah for lands of the same description and quality as those respecting which the dispute may arise, or according to the legal and established rights of the parties; whether the same be ascertainable by written engagements, or defined by the laws and regulations; or defined upon general or local usage, which may be proved to have existed from time immemorial; this regulation not being meant to define or limit the actual rights of any description of landholders or tenants, which can be properly ascertained and determined by judicial investigation only.—*Reg.* XXX. 1803, *Sect.* 9.

Rule applied to the renewal of pottahs that may expire or become cancelled.

Benares.

19. The rules in the preceding section, are to be considered applicable not only to the pottahs which the ryots are entitled to demand in the first instance, but also to the renewal of pottahs which may expire or become cancelled; and it is declared that no proprietor or farmer of land, nor any other person, shall require ryots, whose pottahs may expire or become cancelled, to take out new pottahs at higher rates than the established rates of the pergunnah, for lands of the same quality and description; due consideration being had, as far as may be required by the custom of the district, to the alteration of the species of culture, and the cast of the cultivation. Under this rule, khodkasht or chupperbund ryots, will be entitled to have their pottahs renewed at the established rates, upon making application for that purpose to the person by whom the pottahs are to be granted, as are also paykasht ryots, provided the proprietor or farmer chooses to permit them to continue to culti-

Distinction as to the permanency of tenure between the khodkasht and paykasht ryots.

vate the land, which they have the option to do or not as they may think proper on the expiration of all paykasht leases; whereas khodcasht ryots cannot be dispossessed as long as they continue to pay the stipulated rent."—*Reg.* LI. 1795, *Sect.* 10.

Rule in the preceding section applied to the renewal of pottahs, that may expire or become cancelled under Regulation XLVII. 1803.

Ceded Provinces.

20. The rules in the preceding section (Par. 18) shall be considered applicable, not only to the pottahs which the ryots, and other under-tenants, are entitled to demand in the first instance, under the proclamation published by the late provisional Government in the ceded provinces dated the 14th July, 1802, under the Eleventh and Twelfth Clauses of Section 53, Regulation XXVII. 1803, and under this regulation, but also to the renewal of pottahs or leases which may expire or become cancelled under Regulation XLVII. 1803.—*Reg.* XXX. 1803, *Sect.* 10.

Actual proprietors to let their remaining lands under the prescribed restrictions in whatever manner they may think proper.

Bengal, Behar, and Orissa.

21. The zemindar or other actual proprietor of land, is to let the remaining lands of his zemindarry or estate, under the prescribed restrictions, in whatever manner he may think proper; but every engagement contracted with under-farmers, shall be specific as to the amount and conditions of it; and all sums received by any actual proprietor of land, or any farmer of land, of whatever description, over and above what is specified in the engagements of the persons paying the same, shall be considered as extorted, and be repaid with a penalty of double the amount. The restrictions prescribed and referred to in this section, are the following.*—*Reg.* VIII. 1793, *Sect.* 52.

Actual proprietors to let their lands under the prescribed restrictions in whatever manner they may think proper.

Ceded Provinces.

22. Every zemindar, or other actual proprietor of land, or farmer of land, who may have entered into engagements with Government for the public revenue of his zemindarry, or other estate, or farm, shall be at liberty to let the lands of his zemindarry, or other estate, or farm, under the restrictions prescribed by this regulation, and by any other regulation published in conformity to Regulation I. 1803, in whatever manner he shall think proper, consistently with the rights of the dependant talookdars, ryots, or other descriptions of under-tenants, and cultivators of the soil; but every engagement contracted with dependant talookdars, under-renters, tenants, and ryots, or tenants of whatever denomination, shall be specific as to the amount and con-

* These restrictions are contained in Sects. 53, 54, 55, 56, 57, Cl. 1 and 2, Sects. 59, 60, Cl. 1 and 2, which will be found under their respective heads.

ditions of it; and all sums received by any actual proprietor of land, or any farmer of land, of whatever description, over and above what is specified in the engagements of the persons paying the same, shall be considered as extorted, and be repaid with a penalty of double the amount.—*Reg.* XXX. 1803, *Sect.* 2.

No proprietor of land, or dependant talookdar or farmer of land, shall cancel the pottahs of khodkasht ryots except in certain specified cases.

Bengal, Behar, and Orissa.

23. No actual proprietor of land or farmer, or persons acting under their authority, shall cancel the pottahs of the khodkasht ryots, except upon proof that they have been obtained by collusion; or that the rents paid by them within the last three years, have been reduced below the rate of the nirkbundy of the pergunnah; or that they have obtained collusive deductions; or upon a general measurement of the pergunnah for the purpose of equalizing and correcting the assessment. The rule contained in this clause is not to be considered applicable to Behar.—*Reg.* VIII. 1793, *Sect.* 60, *Cl.* 2.

Proprietors and farmers of lands how to be proceeded against in case they attempt to increase the rents of the poppy lands.

24. If any zemindar or other proprietor of land, or any farmer of land, or their representatives, should exact more from the ryots on account of their poppy lands than the established rates, the agent or the ryot from whom such exactions may be made is to be at liberty to prosecute the person guilty of such exactions in the zillah or city Dewanny Adawlut, the Judge of which shall forthwith enquire into the same, and, on proof of the exaction, shall adjudge the person guilty of the offence to restore the amount levied in excess of the established rate, with a further penalty of treble the amount.—*Reg.* XIII. 1816, *Sect.* 17.

All engagements on the part of Government for the provision of the investment, or salt, to be made in the nineteenth sun sicca rupee or gold mohur.

Engagements for rent and revenue to be made in the same coin.

Arrears on engagements stipulating the payment of any other coin, not recoverable.

Bengal, Behar, and Orissa.

25. All engagements hereafter entered into on the part of Government for the provision of the investment, or the manufacture of salt, are to be made in the Sicca Rupee, or the gold mohur of the nineteenth sun, and all proprietors and farmers of land are prohibited from concluding engagements with their under-farmers, ryots, or dependant talookdars, after the 10th. April, 1794, in any species of rupees or gold-mohurs, excepting the Sicca Rupees and the gold-mohurs of the nineteenth sun under the penalty of not being permitted to recover any arrears that may become due to them under such engagements. —*Reg.* XXXV. 1793, *Sect.* 21.

All existing leases to under-farmers and ryots to remain in force

26. All leases to under farmers and ryots made previous to the conclusion of the settlement, and not contrary to any regulation, are to remain in force until the period of their expira-

tion, unless proved to have been obtained by collusion, or from persons not authorized to grant them.—*Reg.* VIII. 1793, *Sect.* 60, *Cl.* 1.

until the period of their expiration.

Exception to the rule.

Bengal, Behar, and Orissa.

SECT. III.

Of Illegal Cesses.

Process to be observed to prevent imposition on the ryots under the denomination of abwaub, mhatoot, &c.

27. The impositions upon the ryots, under the denomination of abwaub, mhatoot, and other appellations, from their number and uncertainty, having become intricate to adjust, and a source of oppression to the ryots; all proprietors of land and dependant talookdars, shall revise the same, in concert with the ryots, and consolidate the whole with the assul, into one specific sum. In large zemindarries, or estates, the proprietors are to commence this simplification of the rents of their ryots, in the pergunnahs where the impositions are most numerous, and to proceed in it gradually, till completed, but so, that it be effected for the whole of their lands by the end of the Bengal year 1198, in the Bengal districts and of the Fussily and Willaity year 1198, in the Behar and Orissa districts, these being the periods fixed for the delivery of pottahs as hereafter specified.—*Reg.* VIII. 1793, *Sect.* 54.

Ceded Prov. Reg. XXX. 1803, Sect. 4, and Reg. XXVII. 1803, Sect. 53, Cl. 12.

Proprietors, and farmers of land, prohibited imposing any new abwaub or mhatoot on the ryots, and penalty in case of disobedience.

28. No actual proprietor of land, or dependant talookdar, or farmer of land, of whatever description, shall impose any new abwaub or mhatoot upon the ryots, under any pretence whatever. Every exaction of this nature shall be punished by a penalty equal to three times the amount imposed; and if, at any future period, it be discovered, that new abwaub or mhatoot have been imposed, the person imposing the same, shall be liable to this penalty, for the entire period of such impositions.—*Reg.* VIII. 1793, *Sect.* 55.

Ceded Prov. Reg. XXX. 1803, Sect. 5.

Time allowed to proprietors of land and dependant talookdars and farmers of land to prepare and deliver pottahs to the ryots.

Claims on engagements contra-

29. The proprietors of estates, and the dependant talookdars, and farmers of land in Bengal, are allowed until the end of the Bengal year 1198, and those in Behar and Orissa until the end of the Fussily and Willaity year 1198, to prepare and deliver pottahs to the ryots, in conformity to the preceding rules, but after the expiration of the year 1198, no engagements

ry to those ordered how to be considered and decided on.

for rent, contrary to those ordered, are to be held valid; and in the event of any claims being preferred by proprietors of estates, or dependant talookdars, farmers, or ryots, on engagements, wherein the consolidation of the assul, abwaub, &c. shall appear not to have been made, they are to be nonsuited with costs.—*Reg.* VIII. 1793, *Sect.* 61.

Behar portion of the Ramghur zillah exempted from the rules regarding pottahs.

30. The rules contained in Sections 54, 56, 57, 58, 59, and 61, Regulation VIII. 1793, are not to be considered applicable to that part of the zillah of Ramghur which is included in the Soubah of Behar.—*Reg.* IV. 1794, *Sect.* 2.

SECT. IV.

Rule for Leases on the Division, Sale or Transfer of estates.

Existing engagements between proprietors and their dependant talookdars, under-farmers, and ryots, if conformable of this regulation, not to be affected by divisions of the estate made pursuant to judicial decrees, or the request of the joint proprietors.

Ceded Provinces.

31. Where a division of a joint estate shall be made, at the request of the proprietors, or pursuant to the decree of a Court of justice, the fixed public revenue assessed upon the whole estate shall be apportioned on the several shares, agreeably to the principles prescribed in Section 37, Regulation XXV. 1803, without regard to any engagements which may subsist between the proprietors and their dependant talookdars, under-farmers, ryots, or other under-tenants of whatever description. But the sharers shall not demand from the dependant talookdars, under-farmers, or ryots, or other under-renters, in their respective shares, any sum beyond the amount specified in the engagement, lease, or pottah, which may have been entered into between them and the proprietors jointly, previously to the division of the estate, provided that such engagement, lease, or pottah, be not repugnant to the rules prescribed in Section 2, and such dependant talookdars, under-farmers, ryots, or other under-renters, shall duly perform their part of it; but it shall remain in full force (excepting in the event of the lands being disposed of at public sale for the discharge of arrears of the public assessment) until the term of it shall have expired.—*Reg.* XLVII. 1803, *Sect.* 3.

Engagements abovementioned not to be affected by the transfer of the lands by public sale (except for arrears of revenue) or by any private act of the proprietors

Ditto.

32. If the whole or a portion of any estate shall be transferred by public sale, (excepting it be so disposed of for the discharge of arrears of the public revenue) or by private sale, gift, or otherwise; or shall devolve to any person, upon the death of the former proprietor, according to the Hindoo or Mahomedan law of inheritance; the person or persons to whom

the lands shall be so transferred or may so devolve, shall not demand from the dependant talookdars, under-farmers, ryots, or other under-tenant, in the lands transferred, any sum beyond the amount specified in the lease, pottah, or other engagement, which may have been entered into between them and the former proprietor, previously to the transfer, or devolution; provided, that such engagement be not repugnant to the rules prescribed in Section 2, and that such dependant talookdars, farmers, ryots, or other under-tenants, duly perform their part of it; but it shall remain in full force until the term of it shall have expired.—*Reg.* XLVII. 1803, *Sect.* 4.

Subsisting engagements not repugnant to these rules shall remain in force in cases of division or transfer of estates.

Ced. and Conq. Provinces, and Cuttack.

33. When a division of a joint estate shall be made, or the whole or a portion of an estate shall be transferred by sale in discharge of decrees of Court, or by private sale, gift or other private transfer, the subsisting leases and engagements if they be not repugnant to the rules prescribed in the foregoing Sections, shall remain in force as provided by Sections 3, and 4, of Regulation XLVII. of 1803, until the term of them shall expire, (excepting in the case of the lands being disposed of at public sale for the discharge of arrears of the public assessment. —*Reg.* XIV. 1812, *Sect.* 4.

Rule for apportioning the assessment on shares of estates when divided.

Bengal, Behar, Orissa, Benares.

34. When a division of a joint estate shall be made on the application of the proprietors, or pursuant to the decree of a Court of justice, the fixed public revenue assessed upon the whole estate, shall be apportioned on the several shares agreeably to the principles prescribed in Section 10, Regulation I. 1793, and Section 7, Regulation XXVII. 1795, without regard to any engagements that may subsist between the proprietors and their dependant talookdars, (excepting the dependant talookdars, described in Section 7, Regulation XLIV, 1793,) under-farmers, or ryots. But all leases made in conformity to Sections 2, and 3, Regulation V. 1812, and Section 2, of this regulation, shall remain in full force, notwithstanding the division of a joint estate among the sharers, or the sale of the whole, or a portion of any estate in satisfaction of a decree of Court, or the devolving of the same by inheritance, or the private transfer thereof by sale, gift, or otherwise.—*Reg.* XVIII. 1812, *Sect.* 3, *Cl.* 2.

SECT. V.

Form and contents of Pottahs.

Variations of pottah according to articles of produce admitted under certain restrictions.

Bengal, Behar, and Orissa.

35. It is expected, that in time, the proprietors of land, dependant talookdars, and farmers of land, and the ryots, will find it for their mutual advantage to enter into agreements in every instance for a specific sum, for a certain quantity of land, leaving it to the option of the latter to cultivate whatever species of produce may appear to them likely to yield the largest profit; where however it is the established custom to vary the pottah for lands according to the articles produced thereon, and while the actual proprietors of land, dependant talookdars, or farmers of land, and ryots in such places, shall prefer an adherence to this custom, the engagements entered into between them, are to specify the quantity of land, species of produce, rate of rent, and amount thereof, with the term of the lease, and a stipulation, that in the event of the species of produce being changed, a new engagement shall be executed for the remaining term of the first lease, or for a longer period, if agreed on; and in the event of any new species being cultivated, a new engagement, with the like specification and clause, is to be executed accordingly.—*Reg.* VIII. 1793, *Sect.* 56.

What the pottahs to be delivered to the ryots are to contain.

Ditto.

36. The rents to be paid by the ryots, by whatever rule or custom they may be regulated, shall be specifically stated in the pottah; which, in every possible case, shall contain the exact sum to be paid by them.—*Reg.* VIII. 1793, *Sect.* 57, *Cl.* 1.

Rule where the rate only can be specified, and for payments in kind.

Ditto.

37. In cases, where the rate only can be specified, such as where the rents are adjusted upon a measurement of the lands after cultivation, or on a survey of the crop; or where they are made payable in kind, the rate and terms of payment, and proportion of the crop to be delivered, with every condition, shall be clearly specified.—*Reg.* VIII. 1793, *Sect.* 57, *Cl.* 2.

Certain parts of Regulation VIII. 1793, and Regulation IV. 1794, respecting forms of pottahs and engagements for rent rescinded; and proprietors declared competent to grant leases and receive engagements in such forms

38. Such parts of Regulation VIII. 1793, and of Regulation IV. 1794, as require that the proprietors of land shall prepare forms of pottahs, and that such forms shall be revised by the Collectors, and which declare that engagements for rent contracted in any other mode than that prescribed by the regulations in question, shall be deemed to be invalid, are likewise hereby rescinded: And the proprietors of land shall henceforward be considered competent to grant leases to their dependant talook-

dars, under farmers and ryots, and to receive correspondent engagements for the payment of rent from each of those classes, or any other classes of tenants, according to such form as the contracting parties may deem most convenient and most conducive to their respective interests: Provided, however, that nothing herein contained shall be construed to sanction or legalize the imposition of arbitrary or indefinite cesses, whether under the denomination of abwaub, mhatoot, or any other denomination. All stipulations or reservations of that nature shall be adjudged by the Courts of Judicature to be null and void: But the Courts shall notwithstanding maintain and give effect to the definite clauses of the engagements contracted between the parties, or in other words, enforce payment of such sums as may have been specifically agreed upon between them.—*Reg.* V. 1812, *Sect.* 3.

as may be convenient to the parties.

Such rule not to legalize stipulations for arbitrary or indefinite cesses, which are to be adjudged null and void, but without vitiating the definite clauses of the engagements.

SECT. VI.

Period of Leases and Distribution of Pottahs.

39. Section 2, Regulation XLIV. 1793; Section 2, Regulation L. 1795; and Clause Second, Section 2, Regulation XLVII. 1803, by which the proprietors of land, paying revenue to Government, are precluded from granting leases for a period exceeding ten years, are hereby rescinded; and proprietors of lands are declared competent to grant leases for any period which they may deem most convenient to themselves and tenants, and most conducive to the improvement of their estates.—*Reg.* V. 1812, *Sect.* 2.

Rules contained in Section 2, Regulation XLIV. 1793, Section 2, Regulation L. 1795, and Clause second, Section 2, Regulation XLVII. 1803, precluding proprietors of lands paying revenue to Government, from granting leases for a longer period than ten years, rescinded.

Bengal, Behar, and Orissa.

40. Doubts having arisen on the construction of Section 2, Regulation V. 1812, it is hereby explained, that the true intent of the said section, was to declare proprietors of land competent to grant leases for any period, even to perpetuity, and at any rent, which they might deem conducive to their interests. Provided, however, that nothing contained in the former or present regulation, shall be construed to empower persons holding a restricted interest in estates, whether for life or for other limited period, or subject to control or restriction in the use or disposal of the property, to grant leases extending beyond the term of their own interest in the property, or exceeding their power or authority over it.—*Reg.* XVIII. 1812, *Sect.* 2.

Explanation of the intent of Section 2, Regulation V. 1812, as to granting leases in perpetuity or otherwise.

Ditto.

Nor to prohibit grants or leases for any term for the purposes, herein specified, except to British subjects and Europeans.

Bengal, Behar, and Orissa.

41. Nor to prohibit actual proprietors of land granting without the sanction of Government or its officers, to any person not being a British subject or a European, a lease or pottah for ground for any term of years, or in perpetuity, for the erection of dwelling houses or buildings for carrying on manufactures or for gardens, or other purposes, and for offices for such houses or buildings.—*Reg.* XLIV. 1793, *Sect.* 8.

Jumma of dependant talooks, or other land tenure, not to be fixed, nor farms or pottahs granted, for a term extending beyond the term of the engagements of proprietors of land with Government, until a permanent settlement shall be concluded.

Ceded Provinces.

42. No zemindars, independant talookdars, or other actual proprietors of land, after having engaged for the triennial, quarternial, or other periodical assessment of their estate, under the proclamation specified in Section 29, Regulation XXV. 1803, and the farther provisions stated in that regulation, and under Regulation XXVII. 1803, nor any persons on their behalf, shall dispose of a dependant talook, or other land tenure of whatever denomination, to be held at the same or at any jumma, or shall fix, at any amount, the jumma of an existing dependant talook, or other land tenure, for a term extending beyond the term of their own existing engagements with Government, nor let any lands in farm, nor grant pottahs to ryots or other persons for the cultivation of lands, for a term extending beyond the term of their own lease from Government. This rule and prohibition shall be considered to be in force, until a permanent settlement shall be concluded, under the regulations above-mentioned; and any lease or engagement, given or received, in opposition thereto, shall be void and of no effect as far as regards the amount of rent thereby illegally stipulated, but without affecting any other rights which the parties respectively may possess, or to which they may be entitled.—*Reg.* XLVII. 1803, *Sect.* 2, *Cl.* 1.

No zemindar or proprietor shall grant leases for a term extending beyond the term of his own engagements with Government.

Ced. and Conq. Provinces, and Cuttack.

43. No zemindar or other proprietor of land in the Ceded and Conquered provinces shall grant leases or fix the rent of any land tenure for a term exceeding ten years; or if the term of his own engagement with Government be less than ten years, extending beyond such less term.—*Reg.* XIV. 1812, *Sect.* 2.

Every evasion of this prohibition to be considered as an infringement of this rule, and leases so granted to be null and void.

Ditto.

44. Any evasion of this prohibition by entering into separate engagements or leases to take effect successively, or by dating an engagement or leases on a day other than that on which it was actually executed, or by any other device, shall be considered as an infringement of it. And every lease or engagement fixing the rent, which has been or shall be concluded or

granted in opposition to this prohibition, is declared to be null, and void.—*Reg.* XIV. 1812, *Sect.* 3.

Ryots may demand pottahs of proprietors of land, and farmers, who are also required to grant them.

Penalty in case of refusal.

45. A ryot when his rent has been ascertained and settled, may demand a pottah from the actual proprietor of land, dependant talookdar, or farmer, of whom he holds his lands, or from the person acting for him; and any refusal to deliver the pottahs, upon being proved in the Court of Dewanny Adawlut of the zillah, shall be punished by the Court, by a fine proportioned to the expense and trouble of the ryot in consequence of such refusal. Actual proprietors of land, dependant talookdars, and farmers, are also required to cause a pottah for the adjusted rent to be prepared and tendered to the ryot; either granting the same themselves, or instructing their agents to grant the same. No farmer however, without special permission from the proprietor of the lands, or (if the lands form part of a dependant talook) the dependant talookdar, shall grant a pottah extending beyond the period of his own lease; nor shall any agent grant a pottah without authority from the proprietor, or dependant talookdar, or the manager of disqualified proprietors.—*Reg.* VIII. 1793, *Sect.* 59.

Restrictions on farmers and agents in granting pottahs.

Ceded Prov. Reg. XXX. 1803, Sect. 11.

Rules for cases in which ryots omit or refuse to receive the prescribed pottahs.

46. The ryots in the different parts of the country frequently omitting or refusing to take out or receive pottahs, although the persons from whom they are entitled to demand them, are ready to grant them in the form and the terms, prescribed by the regulations, it is declared, that if a proprietor or farmer of land, or a dependant talookdar, [after the approbation of the Collector to the form of the pottah or pottahs for the lands in his estate or farm shall have been obtained, as prescribed in Section 58, Regulation VIII. 1793,] shall fix up in the principal cutcherry or cutcherries of his estate of farm, a notification in writing under his seal and signature, specifying that pottahs according to the form approved, and at the established rates, will be immediately granted to all ryots who may apply for them, and stating where and when and by whom the pottahs will be delivered, the notification shall be considered as a legal tender of a pottah, and the proprietor of land, the farmer,

* This rule is repealed. Vide Par. 38.

or the dependant talookdar shall be deemed to have complied with the orders in Section 59, Regulation VIII. 1793, and the persons so tendering pottahs shall be entitled to recover the rents due to them from such ryots, either by the process of distraint laid down in Regulation XVII. 1793, or by suit in the Dewanny Adawlut.—*Reg.* IV. 1794, *Sect.* 5.

Benares Reg. LI. 1795, Sect. 7.

SECT. VII.

Payment of Rents.

Further provision against anticipation of the rents.

Prohibition, under penalties, to landholders, farmers, and their tenants, to receive or pay the rents by anticipation.

47.—It is further hereby declared that after the promulgation of this regulation no anticipation of the rent will be admitted in cases of attachment. The landholders and farmers are forbidden to demand or receive, and the ryots and other under-tenants are forbidden to pay, any part of the rents receivable by the former and payable by the latter, before the stipulated or usual period of payment, according to the kistbundy or other engagement, or established local usage; and no person hereafter making anticipated payments, against this prohibition, or producing receipts for such, whether collusive or otherwise, shall be entitled to credit for the amount from the officers of Government who may attach the lands or farm; or from the landholder or farmer making the attachment, if it be made for arrears due from an under-tenant, under the provisions contained in this regulation. Nor shall credit be allowed for any payment made to a defaulter, after proclamation of the attachment of his estate or farm, until further proclamation be made that such attachment has been withdrawn; unless it can be clearly shewn that such proclamation, which is to be made as public as possible throughout the attached lands immediately on the attachment's taking place, was notwithstanding unknown to the party making payment to the defaulter at the time when such payment may have been made. Provided however that nothing herein contained, shall be understood to exonerate the defaulter from crediting to his under-tenants, or otherwise accounting for, all sums received by him, whether in anticipation of the rents, or subsequent to the attachment of his estate or farm; the above restrictions having reference to the attachment only.—*Reg.* VII. 1799, *Sect.* 23, *Cl.* 3.

Credit not to be allowed for any payment made to a defaulter after proclamation of the attachment.

Exception.

Proviso.

48. In like manner, in all other instances, the Courts of Justice will determine the rights of every description of landholder and tenant, when regularly brought before them; whether the same be ascertainable by written engagements; or defined by the laws and regulations; or depend upon general or local usage, which may be proved to have existed from time immemorial; but it is hereby declared that no part of the existing regulations was meant to deprive the zemindars and other landholders of the power of summoning and if necessary, compelling the attendance of their tenants for the adjustment of their rents; or for any other just purpose, or of measuring any land within their respective estates which may be liable to measurement under the conditions upon which such land may have been leased or held. For the just exercise of such rights and powers the landholders are not required to make any previous application to the Courts of justice; and any person opposing them therein will, on proof in the Dewanny Adawlut, be liable to full damages and all costs; besides being subject, for any breach of the peace, to prosecution and punishment in the criminal Courts. But the landholders, their agents and representatives, will be held answerable for any abuse, or unjust exercise of the powers hereby declared to be vested in them, and on proof thereof by the party aggrieved in the Dewanny Adawlut, will be liable to full costs and damages; besides a fine to Government if the case shall appear to deserve it. The execution of specific engagements and delivery of receipts for payments, in all instances will tend most to the security of the landholders and their tenants, in removing all doubt of the exact terms of agreement between them; or of the amount paid and due; and the provisions in Regulation VIII. 1793, for this purpose, are to be pointed out to them, by the Courts of justice, as well as by the Collectors, on every proper occasion, as their mutual safeguard against all undue demands on the one side, and evasions on the other, which the rules in that regulation were expressly enacted to prevent.—*Reg.* VII. 1799, *Sect.* 15, *Cl.* 8.

The Courts of justice in all other instances to determine the rights of every description of landholder and tenant when regularly brought before them.

Explanation that no part of the existing regulations was meant to deprive the landholders of the power of causing the attendance of their tenants for the adjustment of their rent; or for any other just purpose, or of measuring any land liable to measurement under the conditions on which it may be tenanted.

Penalty for any opposition to the landholders in the just exercise of these rights.

Also for any abuse or unjust exercise of the above powers by the landholders, their agents or representatives.

Execution of specific engagements and delivery of receipts for payments as directed in Regulation VIII. 1793, the best security both to landholders and tenants.

And the provisions in that regulation to be pointed out to them by the Courts of justice and Collectors on every proper occasion as their mutual safeguard against exaction and evasion.

49. The proprietors of land, dependant talookdars, and farmers of land, of every description, are to adjust the instalments of the rents receivable by them from their under-renters and ryots, according to the time of reaping and selling the produce, and they shall be liable to be sued for damages for not conforming to this rule.—*Reg.* VIII. 1793, *Sect.* 64.

Rules for adjusting the mofussil kistbundies.

Proprietors of land, dependant talookdars, farmers, and their agents, to give receipts for all sums received as rent or revenue, under the penalty herein specified.

50. Every proprietor of land, dependant talookdar, or farmer of land, of whatever description, and their agents of every gradation, receiving rents or revenues from dependant talookdars, under farmers, ryots, or others, are to give receipts for all sums received by them; and a receipt in full on the complete discharge of every obligation. Any person to whom a receipt may be refused, on his establishing the same in the Dewanny Adawlut of the zillah, shall be entitled to damages from the party who received his rent or revenue, and refused the receipt, equal to double the amount paid by him.—*Reg.* VIII. 1793, *Sect.* 63, *Cl.* 1.

Rents of absconded ryots not to be demanded from those who remain.

51. In case any village, or lands, should be affected by inundation, or other calamity, causing the ryots to desert, it shall not be lawful for any proprietor of land, dependant talookdar, or farmer of land of whatever description, or their agents, to demand the rents of the absconded ryots from those who may remain.—*Reg.* VIII. 1793, *Sect.* 63, *Cl.* 2.

SECT. VIII.

Registration of the subdivision or Transfer of Dependant Talooks.

Dependant talookdars required to register in the sudder cutcherry of the zemindarry to which their talooks are attached all transfers by sale, gift, or otherwise, as well as all successions and divisions.

Written consent of the zemindar to be obtained to any distribution of the jumma, payable to him from a dependant talook, without which the entire talook to remain responsible to him.

Zemindars to deliver to the Collectors annually, or whenever required, the record specified in Section 48, of Regulation VIII. 1793, including any alterations registered in their

52.—As a further security to the zemindars in maintaining their rights over the dependant talookdars continued under them, the latter are hereby required to register in the sudder cutcherry of the zemindarry to which their talooks may be attached, all transfers of such talooks, or portions of them, by sale, gift, or otherwise; as well as all successions thereto and divisions among heirs in cases of inheritance: and whenever any distribution of the jumma of a dependant talook may become necessary on a division thereof, the written consent of the zemindar to whom such rent may be payable, is to be previously obtained, without which no distribution of a talookdarry jumma will be valid, or exonerate the entire talook from its responsibility to the zemindar. Moreover, the zemindars who, by Section 48, of Regulation VIII. 1793, were directed to deliver to the Collectors a record of the engagements entered into between them and their dependant talookdars, at the period of the decennial settlement, specifying the names of the talookdars, their talooks, and the jumma of each; are to deliver a similar record, annually, or whenever it may be re-

quired; including any alterations which have been registered in their respective cutcherries, under this regulation.—*Reg.* VII. 1799, *Sect.* 15, *Cl.* 8.

cutcherries under this regulation.

SECT. IX.

Special Rules for ryotty pottahs in the province of Benares.

Benares.

53. To prevent undue demands being made on the ryots, or cultivators of the soil, by the aumils, zemindars, farmers, or others, entitled to levy from them the hakimee or Government's proportion of the produce, aumeens were deputed by the Resident at Benares on the 12th February, 1795, to cause pottahs to be granted to the ryots agreeably to certain forms, by which their payments were to be regulated. For reasons hereafter stated, these aumeens were recalled before they had completed the issue of the prescribed pottahs. The instructions to these officers, with alterations and additions, calculated for the more effectual accomplishment of the object of those instructions, are now enacted into a regulation, and are to be considered as the rules respecting ryotty pottahs throughout the districts in the province of Benares, to which the settlement concluded by the Resident extended.—*Reg.* LI. 1795, *Sect.* 1.

Measures adopted to cause bilmokta pottahs to be granted to ryots.

Ditto.

54. Orders were repeatedly issued to the aumils and canongoes, to cause the zemindars and farmers to issue to their ryots bilmokta pottahs, (i. e. pottahs with the maal and abwaub consolidated,) for the nekdy or money part of the rent payable to them, and to specify therein, where the rent is estimated according to the produce, the mode of the betay or division of the crop, and also the proportions in which the division was to be made, (viz. whether in equal proportions, or in the proportions of seven to nine, or of five to two, or of two to one, or according to whatever local zebetaneh or custom might be prevalent in each place;) and the aumils were also repeatedly enjoined to issue similar pottahs, in those parts of the pergunnahs which continued amauny. There being ground to believe, however, that notwithstanding these orders, the prescribed pottahs had not been duly issued, aumeens were deputed on the 12th February 1795, to cause them to be granted, throughout all that part of the four sircars, to which the general settlement had extended. The aumeens thus deputed, were accordingly furnished with instructions to cause the talookdars, zemindars,

and farmers, in the musheekheesee mouzahs, or villages, for which a settlement had been concluded and the aumils, in the villages which remained amauny, to grant the prescribed pottahs to the ryots and cultivators in conformity to a draft prepared for the purpose; the pottahs to be granted to every ryot and cultivator, in the musheekheesee villages to specify with precision, the rates of payment according to the two last years, as far as regarded the nekdy, or money part thereof; and also the modes and proportion of the betay, where the payments of the ryots were estimated in kind, or upon the produce; and in the event of the rates to be thus inserted in the pottahs being any where disputed between the aumils or malgoozars on the one part, and the ryots on the other, such disputed rates were directed to be regulated and adjusted, on reference to the accounts of the patwarrees, and with the assistance of the canongoes; so that, consideration being had to the present condition of the ground, and the cast of the cultivator, the belmokta rye or rate, inclusive of maal and abwaub, on account of such ground, might be fixed at the same rate as that at which a cultivator of the same cast would have been assessed for it in the Fussily year 1187.—*Reg.* LI. 1795, *Sect.* 2, *Cl.* 1.

Pottahs for mootry tenures.

Benares.

55. Under these instructions, where the custom of mootry, (or the payment of one general rate for different kinds of ground and of crop,) was found to prevail, the aumeens were directed to continue it, and even to endeavour to extend it, wherever the parties concerned might voluntarily agree to its adoption.—*Reg.* LI. 1795, *Sect.* 2, *Cl.* 2.

Nekdy or money rent pottahs for tenures not mootry.

Ditto.

56. In pottahs issued for a money rent, with the exception of those granted for mootry tenures, the number of begahs, the description of begah, (viz. whether the begah computed by the rod of three deras ilahee, the begah of the measure prevalent in the pergunnah, or the dherawat, or begah ascertained by estimate,) and the bilmokta rye or consolidated rate of assessment on each of such begahs, were directed to be specified, so as to preclude the necessity of superadding to such rate the kesraat, or difference of rate proportionate to the variation in the extent of the several descriptions of begahs. For this purpose it was ordered that the malgoozars and ryots, with the assistance of the opinions of the canongoes, and the approbation of the aumeens, should fix at once the bilmokta rye, or consolidated rate, in one sum in proportion to the extent of the begah

Mode of obviating the addition of any Kesraat to the consolidated rate to be inserted in the ryotty pottahs in general.

leaving it to the parties to determine on which of these three descriptions of begahs the calculation of the rye should be made, instead of confining them to one description of begah, as had been prescribed by the rule contained in Section 4, Regulation II. 1795.—*Reg.* LI. 1795, *Sect.* 2, *Cl.* 3.

In what instances such pottahs might be granted to the putteedars.

Benares.

57. In the event of any of the putteedars, being desirous of obtaining pottahs for the land cultivated by them, the aumeens were instructed to cause the pottahdars or persons holding pottahs of Government, to grant pottahs accordingly, in conformity to the principles above prescribed. But if such putteedars should not apply for pottahs, the aumeens were informed that they were not to cause pottahs to be granted to them, but were to leave them to continue to pay as formerly, i. e. subordinately to, and in conjunction with, their principals.—*Reg.* LI. 1795, *Sect.* 2, *Cl.* 4.

How these pottahs were to be granted and attested.

Ditto.

In the musheekheesee, and in the amauny lands.

58. In the musheekheesee lands, these pottahs were directed to be issued with the concurrence of the aumeen, and under the signatures of the grantors, (i. e. the pottahdars of Government,) and to be attested also by the canongoes. In the villages which were continued amauny, it was directed that the said pottahs should be issued by the aumils, under their signature, and the attestation of the canongoes, and that they should also be countersigned by the aumeens; as for the future, the aumils neither had, nor were to possess, any authority to augment or diminish the rental of Government, their duties being limited to the realizing of the fixed revenue, the preservation of the peace throughout their respective limits; and the execution of such orders as might occasionally be addressed to them.—*Reg.* LI. 1795, *Sect.* 2, *Cl.* 5.

In reference to the duties of the aumils under the settlement.

Rules for adopting and distinguishing in the pottahs the different denominations of culture and of begahs.

Ditto.

59. The zeyl, or detailed particulars, annexed to the form of pottah, with which the aumeens were furnished, contained an enumeration of the different modes of ryotty payments, whether of mootry, nekdy, herkowla, or betay, and of purtee, keel, and jungle, &c. one or other of which would necessarily be found applicable to the land and circumstances of every cultivator; and it was pointed out to the aumeens that the pottahs of those ryots only whose cultivation was carried on agreeably to the practice termed mootry, and no other, were to specify the amount of the rent annexed to their pottahs under that single head only; whilst in instances in which ryots cultivated not only on mootry, but also on nekdy and betay agreements,

this form of pottah also prescribed how the particulars of the zeyl, were under such circumstances, to be subjoined; at the same time that it comprehended under the several heads of cultivation, a specification of the denomination of begah, in order that as all the three descriptions of begahs particularized in Clause Third, were more or less in use in the province, it might be left to the option of the malgoozars and ryots, to adopt in their engagements whichever of these three standards they might prefer, the aumeens being required only to see that the description of begah agreed on should in every instance be specified.—*Reg.* LI. 1795, *Sect.* 2, *Cl.* 6.

60. The following is a translate of the general form of pottah with which the aumeens were furnished:

General form of pottah.

Benares.

"A pottah of engagement and stipulation in the name of ————according to the zeyl, without abwaub or serf; the fota or rent for the entire year of the cultivation, shall be taken bilmokta, or according to one rate; and exclusive of that, neither a daam or dhirm shall be taken."

ZEYL or annexed specification of RENT.

Nekdy or money rent.				*Bhawullee or betay, i. e. where the rent is in proportion to the crop.*
1*st.* Mootry 12 begahs (either of 3 dera ilahee, or pergunnah begahs, or dherawat, or estimated begahs:) at 3 rupees 2 annas per begah, rupees	37	8	0	The begah to be of 3 dera ilahee measurement, or pergunnah, or dherawa measurement, and the rent to be assessed by kunkoot or appraisement; either at half and half, or 9 to 7, or 5 to 2, or 2 to 1, according to the local usage, and the money assessment thereon to be according to the current market price, as fixed for each harvest by Government.
2*d.* Kwyraur, &c. (being for the more valuable articles of cultivation,) 13 begahs (whether of 3 dera ilahee, or pergunnah measurement, or dherawat,) viz.				
Sugar cane 10 begahs at 5 rupees 1 anna per begah,	50	10	0	
Tobacco 2 begahs at 6 rupees per begah,	12	0	0	Purtee, and keel, and jungle land, according to the good will of the parties
Moolee or vegeta-				

bles, 1 begah at 2 rupees 1 anna per begah,		2	1	0
		64	11	0

and where from the change in the cultivation, a new pottah shall become necessary, it shall be granted according to the rates of the two last years, with the privity of the canongoes, according to the shirabundy, or established rates of the pergunnah, and I (the zemindar or farmer,) shall certainly not object to give a pottah.

3rd. Herkowla or for common nekdy cultivation, 12 begahs (either the 3 dera ilahee, or of pergunnah measurement or of dherawat,) at different rates.

1st. 2 begahs at	1	8	3	0	0
2d. 3 begahs at	1	12	5	4	0
3d. 3 begahs at	1	4	3	12	0
4th. 2 begahs at	1		2	0	0
5th. 1 begah at	1	2	1	2	0
6th. 1 begah at		12	0	12	0
			15	14	0

either on a nekdy or betay engagement.

—*Reg.* LI. 1795, *Sect.* 2, *Cl.* 7.

Precaution taken on the departure of the aumeens to apprize the landholders of the object of their deputation; and points ascertained during their progress.

Benares.

61. On the departure of these aumeens, the strongest assurances were published to all the zemindars and farmers, that the object of their deputation, was solely to ensure from them, that justice to their ryots, which Government had bound itself to observe to them by concluding with them a permanent settlement, the conditions of which would on no account be infringed. A considerable degree of jealousy however was manifested by the zemindars and farmers during the progress of the aumeens, several of whom represented the difficulties which they experienced in the execution of their instructions, both from the

above and other causes. These difficulties are stated in the following clauses, with a view to future eventual arrangements. —*Reg.* LI. 1795, *Sect.* 3, *Cl.* 1.

Rule in case of no putwarrees being kept in an estate or farm.

Benares.

62. The aumeen in the tuppah of Ophroude, in the pergunnah of Chourassy, represented, that several places in that tuppah were without putwarrees; and as similar complaints were received from other parts of the district, the aumeens were in reply directed to cause the proprietors, and farmers, to appoint putwarrees wherever they were wanted; and in the mean time, to oblige the gomastahs of the said proprietors or farmers, or the officers entertained for keeping such written or other village accounts as are kept, to produce them to the Courts of judicature, or to the Collector, in the instances in which either are empowered by the regulations to require them.—*Reg.* LI. 1795, *Sect.* 3, *Cl.* 2.

Refusal of certain descriptions of ryots to take pottahs.

Ditto.

63. Several ryots in the pergunnah of Chownsa, and other parts who had been used to divide the grain with the zemindar or farmer in the mode called agore, according to the produce, would not take pottahs specifying either any rent per begah, or even the number of begahs which they cultivated; circumstances that are adverted to, and in some measure provided for, in Section 21, Regulation II. 1795.—*Reg.* LI. 1795, *Sect.* 3, *Cl.* 3.

How pottahs are to be issued from tenants on mortgage tenure to the ryots.

Ditto

64. The aumeen in the tuppah of Kone, in the pergunnah of Chourassy, represented, that sundry zemindars had mortgaged a part of their lands to other zemindars, and had in consideration thereof, given them pottahs at lower rates than the established ones, so as merely to prove equal to the payment of Government's jumma; whilst the mortgagees caused the grounds in question to be cultivated by other ryots, from whom they took the usual rate of rent. The aumeens desired instructions whether they should cause pottahs to be given to these mortgagees, according to those which they held from the zemindars; or, whether the pottahs should be issued at such rates as the mortgagees exacted from the ryots. In reply to this application, the aumeens were directed to cause pottahs of the last mentioned description to be issued to the ryots, not however by the proprietors, but by the mortgagees; and they were further informed that this rule was to be observed in all similar cases.—*Reg.* LI. 1795, *Sect.* 3, *Cl.* 4.

Mode of zemin-

65. It appearing by a representation from the aumeen at

Mureeahoo, that the zemindars and farmers concealed the revenue lands in their occupancy, by pretending to have assigned them in larger proportions, than was ever usual, to the putwarrees, for their maintenance, or otherwise; the aumeen was instructed not to admit of this abuse, but to cause pottahs to be issued for all grounds over and above the usual quantity granted to the putwarrees for their maintenance in their official situations.—*Reg.* LI. 1795, *Sect.* 3, *Cl.* 5.

dars and farmers attempting to conceal the funds in their estates by pretended exorbitant grants to the putwarrees.

Benares.

66. The aumeen in the pergunnah of Baleeah, represented, that although his instructions required that the rate of rent should be fixed bilmokta, or in one sum, there were circumstances which rendered the observance of this rule in some instances impracticable; such as various abwaubs proportionally added in the betay ryotty tenure to the money result of the jumma or valuation of the crop, according to the market prices of grain; these abwaubs being after at the rate of one anna or of two annas, per rupee, on the valuation of the crop, on account of batta; and perhaps, of three annas for the dehkherch per begah; whilst in several other villages, these articles of batta and kherch, were levied uniformly at a certain rate per rupee on the amount of the valuation of the crop, as aforesaid. That it was therefore evident, that these money rates could not be taken into account, so as to admit of their amount being ascertained in a betay pottah, farther than by fixing their proportional rates in the rupee on the amount of the valuation of the crop, or on the begah of the cultivation, as the local custom might in either case require. This aumeen was accordingly instructed to confine himself to the insertion of these proportionate rates of abwaubs.—*Reg.* LI. 1795, *Sect.* 3, *Cl.* 6.

Difficulty in respect to betay pottahs from the custom of superadding abwaub to be proportionably levied on the valuation of the crop.

Ditto.

67. It appeared that in sundry villages in the pergunnah of Kureendeh, it had been and continued the custom amongst the malgoozars and assamees, (i. e. the zemindars or farmers, and the ryots,) to carry on their cultivation, and keep their accounts, according to the practice termed by them cucha dherawat gortaur, that is, where the begahs are measured by steps, of which one begah is equal only to eight pukhta biswas; and two and a half of cucha begahs to one pukhta begah. The aumeen in that pergunnah, having hereon reported, that the ryots in such places, could not be made, without great difficulty, to comprehend the advantage of calculating by the pukhta, instead of the cucha begah, directions were given that their own customs

Respecting the small begah in the pergunnah of Kureendeh.

Ditto.

should be continued, on condition that the description of the begah, and the mode of measurement, should be clearly specified in the pottahs to be granted in such places.—*Reg.* LI. 1795, *Sect.* 3, *Cl.* 7.

Preference assigned to the serberakars, above the zemindars in Kureendeh in respect to signing the ryot's pottahs.

Benares.

68. In the said pergunna of Kureendeh, it was on the same day ordered, in reply to a query from the aumeen, that where serberakars or managers, (mentioned in Section 17, Regulation II. 1795,) were on terms of good understanding with the zemindars, they might if they pleased, affix their signatures to the pottahs to be granted to the ryots; but that wherever it became a question which of them should have the preference, it must be allowed to the serberakar, as long as the latter remained responsible for the revenue.—*Reg.* LI. 1795, *Sect.* 3, *Cl.* 8.

Mode of raising the public revenue of the village by the inhabitants joining in an assessment on their crops so as to prove equivalent to the demand of Government.

Ditto.

69. The same aumeen having reported, that in Pehaurpoor, and some other villages in Kureendeh, he had issued the pottahs, in the terms of his instructions, although in fact it had been and still was customary for the zemindars, puteedars, and other chupperbund assamees or ryots, to meet together and lay on such a money assessment on the Government's half of the grain, as might make up the public revenue; it was thereupon ordered that those who preferred this mode, might adhere to it, and even have this condition inserted in their pottahs, without the stipulation that such assessment should be founded on the market price, as is the rule in general, for all other places.—*Reg.* LI. 1795, *Sect.* 3, *Cl.* 9.

Farther motive for the refusal to accept of pottahs.

Ditto.

70. The aumeen in the purgunnah of Mohammedabad, reported that certain persons in that district, claiming to be the descendants of the ancient zemindars of villages now rented to farmers, refused to receive pottahs for the ground which they cultivated from the latter, alledging that they should thereby suffer degradation.—*Reg.* LI. 1795, *Sect.* 3, *Cl.* 10.

Government's order, to recal the pottah aumeens.

Ditto

71. The deputation of the aumeens, and their proceedings, having been reported to the Governor General in Council, he observed in his reply of the 26th June 1795, that difficulties similar to those stated by the aumeens in Benares, had been experienced in enforcing the regulations regarding pottahs in the other three provinces. That in many places, the ryots had omitted to take out pottahs, or objected to receive those tendered to them agreeably to the regulations; and that owing to the variation in the rates in the different purgunnahs and districts and other local circumstances, disputes had been occa-

sioned where both the proprietor and the cultivator of the lands were before satisfied with the rates of assessment that had been mutually agreed upon between them. That the rules regarding pottahs contained in Regulation IV. 1794, for the provinces of Bengal, Behar, and Orissa, had in consequence been passed, under which, if any dispute arose between a proprietor or a farmer of land, and a ryot, regarding the rates of pottahs, the latter, by application to the court of judicature, could always obtain a pottah at the ancient and established rates of the district; and that where no such dispute subsisted, the interference of government was of course unnecessary. That from these considerations, and as the variations in the rates in the different districts, and in the quality of the lands in Benares, might render it extremely difficult for the aumeens to fix the rates and the terms of the pottahs to the satisfaction of both parties; and as there might be considerable danger of their often favouring one or other of them; the Governor General in Council directed the aumeens to be recalled, and ordered that rules similar to those contained in Regulation IV. 1794, should be adopted in Benares, it being presumed that the operation of them would gradually lead to the defining and fixing the rates to be paid for land in the different districts and villages, where any dispute might subsist respecting them; without incurring the inconveniences liable to arise from attempting to effect this object at once by the deputation of aumeens.—*Reg.* LI. 1795, *Sect.* 4.

Recal of the pottah aumeens and remark as to the degree of validity or otherwise of the pottahs issued under there instructions.

Benares.

72. In pursuance of the directions in the preceding section, the pottah aumeens were recalled on the 8th of July 1795; and with respect to the progress which they made in granting pottahs, wherever it shall appear that they have caused pottahs to be granted in deviation from the letter and spirit of the instructions under which they acted, such pottahs are to be deemed invalid, and are to be so adjudged in any Court of justice; whilst, on the other hand, the operation of these in which the parties have acquiesced, are to be admitted. This last mentioned rule can be productive of no injury to either party, as all the pottahs, with the exception of those for the mootry tenures, are liable to annual renewal, in consequence of the alteration that unavoidably takes place in the annual cultivation of the ryots. —*Reg.* LI. 1795, *Sect.* 5.

Further period

73. On the recal of the aumeens, they were directed to make

allowed for the distribution of pottahs.

Benares.

it known that it was expected and required of the talookdars, zemindars, and farmers, that they should complete the issuing of the pottahs to their ryots, in the form and manner required in Section 2. The proprietors and farmers of land are accordingly hereby allowed until the expiration of the Fussily year 1204, for granting these pottahs, and after that period, no engagements for rent, (exclusive of the exceptions in the cases specified in Clauses Third, Ninth, and Tenth, Section 3, the usages detailed in which are to be admitted,) contrary to those ordered in that section, or such other as the Collector, with the sanction of the Governor General in Council, may prescribe, shall be held valid, and the parties prosecuting under such informal engagements, shall be nonsuited with costs.—*Reg.* LI. 1795, *Sect.* 6.

Putnee Talooks.

SECT. X.

General Rules.

Preamble.

Bengal, including Midnapore.

1. By the rules of the perpetual settlement, proprietors of estates paying revenue to Government, that is the individuals answerable to Government for the revenue then assessed on the different muhals, were declared to be entitled to make any arrangements for the leasing of their lands in talook or otherwise, that they might deem most conducive to their interests. By the rules of Regulation XLIV. 1793, however, all such arrangements were subjected to two limitations; first, that the jumma, or rent, should not be fixed for a period exceeding ten years; and secondly, that in case of a sale for Government arrears, such leases or arrangements should stand cancelled from the day of sale. The provisions of Section 2, Regulation XLIV. 1793, by which the period of all fixed engagements for rent was limited to ten years, have been rescinded by Section 2, Regulation V. 1812, and in Regulation XVIII. of the same year it is more distinctly declared, that zemindars are at liberty to grant talooks or other leases of their lands, fixing the rent in perpetuity at their discretion; subject however to the liability of being dissolved on sale of the grantor's estate for arrears of the Government revenue, in the same manner as heretofore.—In practice the grant of talooks and other leases at a rent fixed in perpetuity had been common with the zemindars of Bengal for some time before the passing of the two Regulations last mentioned; but, notwithstanding the abrogation of the rule which declared such arrangements null and void, and the abandonment of all intention or desire to have it enforced as a security to the Government revenue in the manner originally contemplated, it was omitted to declare in the rules of Regulations V. and XVIII. 1812, or in any other Regulation, whether tenures at the time in existence and held under covenants or engagements entered into by the parties in

Bengal, including Midnapore.

violation of the rule of Section 2, Regulation XLIV. 1793, should, if called in question, be deemed invalid and void as heretofore.—This point it has been deemed necessary to set at rest by a general declaration of the validity of any tenures that may be now in existence, notwithstanding that they may have been granted at a rent fixed in perpetuity, or for a longer term than ten years, while the rule fixing this limitation to the term of all such engagements, and declaring null and void any granted in contravention thereto, was in force. Furthermore, in the exercise of the privilege thus conceded to zemindars under direct engagements with Government, there has been created a tenure which had its origin on the estates of the Rajah of Burdwan, but has since been extended to other zemindarries,—the character of which tenure is, that it is a talook created by the zemindar, to be held at a rent fixed in perpetuity by the lessee and his heirs for ever: the tenant is called upon to furnish collateral security for the rent, and for his conduct generally, or he is excused from this obligation at the zemindar's discretion; but even if the original tenant be excused, still in case of sale for arrears or other operation leading to the introduction of another tenant, such new incumbent has always in practice been liable to be so called upon at the option of the zemindar: by the terms also of the engagements interchanged, it is amongst other stipulations provided, that in case of an arrear occurring, the tenure may be brought to sale by the zemindar, and if the sale do not yield a sufficient amount to make good the balance of rent at the time due, the remaining property of the defaulter shall be further answerable for the demand. These tenures have been usually denominated putnee talooks, and it has been a common practice of the holders of them to underlet on precisely similar terms to other persons, who on taking such leases went by the name of durputnee talookdars: these again sometimes similarly underlet to seputneedars, and the conditions of all the title deeds vary in nothing material from the original engagements executed by the first holder. In these engagements, however, it is not stipulated whether the sale thus reserved to himself by the grantor is for his own benefit, or for that of the tenant; that is, whether in case the proceeds of sale should exceed the zemindar's demand of rent, the tenant would be entitled to such excess; neither is the manner of sale specified, nor do the usages

Bengal, including Midnapore.

of the country nor the regulations of Government afford any distinct rules by the application of which to the specific cases, the defects above alluded to could be supplied, or the points of doubt and difficulty involved in the omission be brought to determination in a conistent and uniform manner. The tenures in question have extended through several zillahs of Bengal, and the mischiefs which have arisen from the want of a consistent rule of action for the guidance of the courts of civil judicature in regard to them, have been productive of such confusion as to demand the interference of the legislature: it has accordingly been deemed necessary to regulate and define the nature of the property given and acquired on the creation of a putnee talook as above described, also to declare the legality of the practice of underletting in the manner in which it has been exercised by putneedars and others, establishing at the same time such provisions as have appeared calculated to protect the under-lessee from any collusion of his immediate superior with the zemindar, or other, for his ruin, as well as to secure the just rights of the zemindar on the sale of any tenure under the stipulations of the original engagements entered into with him.—It has further been deemed indispensible to fix the process by which the said tenures are to be brought to sale, and the form and manner of conducting such sale;—and whereas the estates of zemindars under engagements with Government are liable to be brought to sale at any time for an arrear in the revenue, payable by monthly kists to Government, it has been deemed just to allow any zemindar who may have granted tenures with a stipulation of the right to sell for arrears, the opportunity of availing himself of this means of realizing his dues in the middle of the year, as well as at the close, instead of only at the end of the Bengal year, as heretofore allowed by the regulations in force;—it has further been deemed equitable to extend this rule to all cases in which the right of sale may have been reserved, even though in conformity with the regulations heretofore in force the stipulation for sale contained in the engagements interchanged may have restricted such sale to the case of a demand of rent remaining unpaid, at the close of the Bengal year. It has been likewise deemed advisable to explain and modify some of the existing rules for the collection of rents, with a view to render them more efficacious than at present, as well as to provide against sundry means of evasion

now resorted to by defaulters. The following rules have accordingly been enacted by His Excellency the Most Noble the Governor General in Council, to take effect from the date of their promulgation throughout the several districts of the province of Bengal, including Midnapore.—*Reg.* VIII. 1819, *Sect.* 1.

Leases fixing rent in perpetuity, or for a longer term than ten years, declared valid, though executed while Section 2, Regulation XLIV. 1793, was in force.

Bengal, including Midnapore.

2. It is hereby declared that any leases or engagements for the fixing of rent now in existence, that may have been granted or concluded for a term of years, or in perpetuity, by a proprietor under engagements with Government, or other person competent to grant the same, shall be deemed good and valid tenures, according to the terms of the covenants or engagements interchanged, notwithstanding that the same may have been executed before the passing of Regulation V. 1812, and while the rule of Section 2, Regulation XLIV. 1793, which limited the period for which it was lawful to grant such engagements to ten years, and declared all that might be entered into for a longer term to be null and void, was in full force and effect; and notwithstanding that the stipulations of the said leases may be in violation of the rule in question:—provided however that nothing herein contained shall be held to exempt any tenures held under engagements from proprietors of estates paying revenue to Government, from the liability to be cancelled on sale of the said estates for arrears of the said revenue, under the rule of Section 5, Regulation XLIV. 1793, unless specially exempted from such liability by the rule in question, or by any other specific rule of the regulations in force.—*Reg.* VIII. 1819, *Sect.* 2.

Putnee tenures declared valid, transferable and answerable for debt.

Ditto.

3. The tenures known by the name of putnee talooks as described in the preamble to this Regulation, shall be deemed to be valid tenures in perpetuity, according to the terms of the engagements under which they are held. They are heritable by their conditions; and it is hereby further declared, that they are capable of being transferred by sale, gift or otherwise, at the discretion of the holder, as well as answerable for his personal debts, and subject to the process of the Courts of Judicature, in the same manner as other real property.—*Reg.* VIII. 1819, *Sect.* 3, *Cl.* 1.

SECT. XI.

Alienations of Putnee Talooks.

Putneedar's right of under-letting, declared.

Bengal, including Midnapore.

4. Putnee talookdars are hereby declared to possess the right of letting out the lands composing their talooks in any manner they may deem most conducive to their interest, and any engagements so entered into by such talookdars with others shall be legal and binding between the parties to the same, their heirs, and assignees:—provided however, that no such engagements shall operate to the prejudice of the right of the zemindar to hold the superior tenure, answerable for any arrear of his rent, in the state in which he granted it, and free of all incumbrance, resulting from the act of his tenant.—*Reg.* VIII. 1819, *Sect.* 3, *Cl.* 2.

Inferior tenures held under similar title deeds will be deemed to confer a similar interest to that provided for putnee talooks in Section 3.

Ditto.

5. If the holder of a putnee talook shall have underlet in such manner as to have conveyed a similar interest to that enjoyed by himself, as explained in the preamble to this Regulation, the holder of such a tenure shall be deemed to have acquired all the rights and immunities declared in the preceding Section to attach to putnee talooks, in so far as concerns the grantor of such under-tenure. The same construction shall also hold in the case of putnee talooks of the third or fourth degree.—*Reg.* VIII. 1819, *Sect.* 4.

Zemindar not entitled to refuse to give effect to a transfer.

Ditto.

6. The right of alienation having been declared to vest in the holder of a putnee talook, it shall not be competent to the zemindar or other superior, to refuse to register, and otherwise to give effect to such alienations, by discharging the party transferring his interest from personal responsibility, and by accepting the engagements of the transferee. In conformity however with established usage, the zemindar or other superior shall be entitled to exact a fee upon every such alienation, and the rate of the said fee is hereby fixed at two per cent. on the jumma or annual rent of the interest transferred, until the same shall amount to one hundred Rupees, which sum shall be the maximum of any fee to be exacted on this account. The zemindar shall also be entitled to demand substantial security from the transferee or purchaser, to the amount of half the jumma or yearly rent, payable to him from the tenure transferred; the condition of furnishing such security on requisition being understood to be one of the original liabilities of the tenure. The above rules shall apply equally to the case of a sale made in

But may demand his fee.

Fee fixed at two per cent on the jumma.

But the maximum one hundred Rupees.

May also demand security.

As far as half the jumma.

Above rules to apply to sales in

execution and all alienations.

But no fee on sale for arrears.

execution of a decree or judgement of Court, as to all other alienations, but it shall not apply to the case of sale for an arrear in the rent due to the zemindar or other superior, under the rules hereinafter contained. The purchaser at such a sale shall be entitled to have his name registered, and to obtain possession without fee, though of course liable to be called on to give security under the conditions of the tenure purchased.—*Reg.* VIII. 1819, *Sect.* 5.

Zemindar may refuse sanction to transfer, till fee and security be tendered.

Sufficiency of security, if contested, to be determined by appeal to civil Court.

Bengal, including Midnapore.

7. It shall be competent to the zemindar or other superior to refuse the registry of any transfer, until the fee above stipulated be paid, and until substantial security to the amount specified be tendered and accepted :—provided however that if the security tendered by any purchaser or transferee, should not be approved by the zemindar, and the party tendering it shall be dissatisfied with such rejection, he shall be competent to appeal thereform by petition or common motion in the Civil Court of the district, which authority, if satisfied of the sufficiency of the security tendered, shall issue an injunction on the zemindar to accept it, and give effect to the transfer without delay. It is hereby provided that the rules of this and of the preceding section shall not be held to apply to transfers of any fractional portion of a putnee talook, nor to any alienation other than of the entire interest, for no apportionment of the zemindar's reserved rent can be allowed to stand good, unless made under his special sanction.—*Reg.* VIII. 1819, *Sect.* 6.

Upon public sale, if security be not tendered within one month, the zemindar may attach.

Ditto.

8. In case of the sale of a putnee tenure in execution of a judgment of Court, if the purchaser do not within the period of one month from the sale conform to the rules of Section 5, of this Regulation, in order to obtain the transfer of his tenure by the superior to whom the rent fixed upon it is payable, the zemindar or other superior shall be entitled of his own authority to send a suzawul to attach and hold possession of the tenure, until the forms prescribed be observed. In case also of the sale of a putnee tenure for arrears of the rent due upon it, under the rules of this Regulation, if security be required by the zemindar and the purchaser fail to furnish the same within one month of the date of sale, the zemindar shall similarly be entitled to send a suzawul to attach and hold possession of the interest, which may have passed on the sale, to the exclusion of the purchaser, until the prescribed security be given. Attachments made under this section shall be regard-

Attachment to

ed as trusts for the benefit and at the risk of the purchasers; consequently after deducting the rent due and the expense of attaching, any surplus that may be yielded by the collections, shall be held in deposit for such purchaser: but if the collections for the time fall short of the rent, the tenure and person of the proprietor shall be liable in the same manner as if no attachment had been made, and the accounts produced by the zemindar or other superior making the attachment, shall be received as primâ facie evidence to warrant process for an arrear so accruing.—*Reg.* VIII. 1819, *Sect.* 7.

have the effect of a trust.

SECT. XII.

Summary Investigation of Arrears on Putnee Talooks.

9. In cases also in which a talookdar may contest the zemindar's demand of any arrear, as specified in the notice advertised, such talookdar shall be competent to apply for a summary investigation, at any time within the period of notice: the zemindar shall then be called upon to furnish his kubooleut and other proofs at the shortest convenient notice, in order that the award may, if possible, be made before the day appointed for sale. Such award, if so made, will of course regulate the ulterior process; but if the case be still pending, the lot shall be called up in its turn, notwithstanding the suit; and if the zemindar or his agent in attendance insist on the demand, the sale shall be made on his responsibility, nor shall it be staid, or the summary suit be allowed to proceed, unless the amount claimed be lodged in cash or in government securities, or in notes of the Bank of Bengal, by the talookdar contesting the demand; and if such deposit be not made, the alledged defaulter will have no remedy, but by a regular action for damages and for a reversal of the sale.—*Reg.* VII. 1819, *Sect.* 14, *Cl.* 2.

Summary investigation may be applied for by defaulter

Bengal, including Midnapore.

But not to stay sale without deposit.

10. With reference to doubts which have arisen regarding the power of the Zillah and City Judges to conduct the summary enquiries allowed by Clause Second, Section 14, Regulation VIII. 1819, since the promulgation of Regulation VIII. 1831, it is hereby further declared, that all summary investigations and awards which may have been made by them previous to the promulgation of this enactment in comformity to the provisions of the aforesaid clause, shall not be impugned, on the ground that such cases should have been investigat-

Enquiries hitherto conducted by Judges under Clause second, Section 14, Regulation VIII. 1819, not to be impugned.

Ditto.

ed and decided by the Collectors of Land Revenue under the provisions of the Regulation last mentioned.—*Reg.* VII. 1832, *Sect.* 16, *Cl.* 3.

SECT. XIII.

Sale of Putnee Talooks on account of Arrears.

Putnee tenures declared not voidable for arrears.

Bengal, including Midnapore.

11. In case of an arrear occurring upon any tenure of the description alluded to in the first Clause of this Section, it shall not be liable to be cancelled for the same, under the rule contained in the Seventh Clause of Section XV. Regulation VII. 1799, for leases conveying a limited interest in the land; but the tenure shall be brought to sale by public auction, and the holder of the tenure will be entitled to any excess in the proceeds of such sale, beyond the amount of the arrear of rent due;—subject however to the provisions contained in Section 17, of this Regulation.—*Reg.* VIII. 1819, *Sect.* 3, *Cl.* 3.

Zemindars to be allowed periodical sales of tenures, in which right to sell for arrears is reserved by stipulation.

Ditto.

12. Zemindars, that is, proprietors under direct engagements with the Government, shall be entitled to apply in the manner following for periodical sales of any tenures, upon which the right of selling or bringing to sale for an arrear of rent may have been specially reserved by stipulation in the engagements interchanged, on the creation of the tenure. The exercise of this power shall not be confined to cases in which the stipulation for sale may have been unrestricted in regard to time, but shall apply equally to tenures held under engagements stipulating merely for a sale at the end of the year, in conformity with the practise heretofore allowed by the regulations in force.—*Reg.* VIII. 1819, *Sect.* 8, *Cl.* 1.

First sale to be applied for on the first of Bysakh.

Ditto.

13. On the first day of Bysakh, that is, at the commencement of the following year from that of which the rent is due, the zemindar shall present a petition to the civil Court of the district, and a similar one to the Collector, containing a specification of any balances that may be due to him on account of the expired year from all or any talookdars or other holders of an interest of the nature described in the preceding clause of this Section. The same shall then be stuck up in some conspicuous part of the Cutcherry, with a notice that if the amount claimed be not paid before the first of Jyte following, the tenures of the defaulters will on that day be sold by public sale in liquidation. Should however the first of Jyte fall on a Sunday, or

Notice to be published that it will take place on the first of Jyte

holiday, the next subsequent day, not a holiday, shall be selected instead: a similar notice shall be stuck up at the Sudder Cutcherry of the zemindar himself, and a copy or extract of such part of the notice as may apply to the individual case shall be by him sent, to be similarly published at the Cutcherry, or at the principal town or village upon the land of the defaulter. The zemindar shall be exclusively answerable for the observance of the forms above prescribed, and the notice required to be sent into the mofussil shall be served by a single peon, who shall bring back the receipt of the defaulter, or of his manager for the same; or in the event of inability to procure this, the signatures of three substantial persons residing in the neighbourhood, in attestation of the notice having been brought and published on the spot. If it shall appear from the tenor of the receipt or attestation in question, that the notice has been published at any time previous to the fifteenth of the month of Bysakh, it shall be a sufficient warrant for the sale to proceed upon the day appointed. In case the people of the village should object or refuse to sign their names in attestation, the peon shall go to the Cutcherry of the nearest Moonsiff, or if there should be no Moonsiff, to the nearest Thanna, and there make voluntary oath of the same having been duly published—certificate to which effect shall be signed and sealed by the said officers and delivered to the peon.—*Reg.* VIII. 1819, *Sect.* 8, *Cl.* 2.

Notice to be sent into the mofussil.

Rules for serving it.

14. On the first day of Kartick in the middle of the year, the zemindar shall be at liberty to present a similar petition, with a statement of any balances that may be due on account of the rent of the current year up to the end of the month of Asin, and to cause similar publication to be made of a sale of the tenures of defaulters, to take place on the first of Aughun, unless the whole of the advertised balance shall be paid before the date in question, or so much of it as shall reduce the arrear, including any intermediate demand for the month of Kartick to less than one-fourth, or a four-anna proportion of the total demand of the zemindar, according to the Kistbundee, calculated from the commencement of the year to the last day of Kartick.—*Reg.* VIII. 1819, *Sect.* 8, *Cl.* 3.

Mid year sale to be applied for on the first of Kartick.

Bengal, including Midnapore.

Notice as above for sale the first of Aughun.

If arrear be not less than one fourth of demand.

15. All sales of saleable tenures applied for under the rules of this Regulation, shall be made in public Cutcherry by the Register or acting Register of the Civil Court, or in his absence by

Register to conduct the sale.

Ditto.

the person in charge of the office of Judge or of Magistrate of the district, within which the lands may be situated; the lands shall be sold to the highest bidder, and every one not the actual defaulter, shall be free to bid, not excepting the person in satisfaction of whose demand the sale may be made, nor the under-tenants of the defaulter: fifteen per cent. of the purchase money shall be paid immediately the lot is knocked down, and the officer conducting the sale shall be competent to refuse to accept a bid, or to knock down a lot to any bidder, unless he has assurance to his satisfaction that the amount required to be deposited is in hand for the purpose; or will be produced within two hours. If the fifteen per cent. be not paid in cash or in notes of the Bank of Bengal, within two hours of the sale, or an equivalent amount in Government securities be not lodged, the lot shall be resold on the same day, and if the remainder of the purchase money be not paid by noon of the eighth day, notice shall be given of resale on the following day, that is, on the ninth from the first sale, by proclaiming the same by beat of drum through the bazar of the sudder station of the zillah, after which the lot shall be resold at the appointed time at the risk of the first purchaser, who shall forfeit the advance of fifteen per cent. already made, (which shall be in such case regarded as part of the proceeds of the sale,) and be further answerable for any sum in which the proceeds of the second sale may fall short of the antecedent one; such deficiency to be levied by the process for the execution of decrees of the Civil Courts.—*Reg.* VIII. 1819, *Sect.* 9.

Rules for bidding, fifteen per cent. to be paid on sale.

Or lot to be resold after two hours.

Failing remainder, resale on ninth day after.

16. Whenever the proprietor of an estate paying revenue to Government shall desire to cause any tenure of the nature of those described in clause first, Section 8, Regulation VIII. 1819, to be sold for arrears of rent due to him on account thereof, and shall, under any summary process authorized by the general Regulations, have acquired the right of causing such sale to be made, the same shall be conducted, after application from the zemindar, by the register or acting register of the zillah, or city court, or in his absence by the person in charge of the office of Judge of the district, in the mode prescribed by Regulation VIII. above quoted for periodical sales. —*Reg.* I. 1820, *Sect.* 2, *Cl.* 1.

The rules of Regulation VIII. 1819, for periodical rules for the zemindar's arrears of rent extended.

17. Ten days notice shall be given before proceeding to sale, by proclamation, to be stuck up at the Cutcherry of the court,

Ten days notice to be given by proclamation.

and at that of the Collector of the district.—*Reg.* I. 1820, *Sect.* 2, *Cl.* 2.

Sections 9, 11, 13, 15, and 17, Regulation VIII. 1819, extended to sales under this Regulation.

18. The rules of Sections 9, 11, 13, 15, and 17, Regulation, VIII. 1819, are extended to all sales made after the manner herein provided.—*Reg.* I. 1820, *Sect.* 2, *Cl.* 3.

Bengal, including Midnapore.

Duties performed by Registers or Judges under Regulations VIII. 1819, and I of 1820, transferred to the revenue officers.

Ditto.

19. Such parts of Regulation VIII. 1819, and Regulation I. of 1820, as declare that the sale of putnee talooks and other saleable tenures, shall be conducted by the Register, or acting Register, or in their absence by the judge or Magistrate, and which require the Judge to perform other acts preparatory to, or connected with, the sale of such talooks or other saleable tenures, are hereby modified, and such sales shall hereafter be made, and other acts aforesaid be performed by the Collector or Deputy Collector of Land Revenue, or Head Assistant to the Collector or Deputy Collector, subject to an appeal to the Commissioner of Revenue for the division, on the ground of the irrelevancy of the Regulation, as in other cases of a summary nature provided for in Section 4, Regulation VIII. 1831.—*Reg.* VII. 1832, *Sect.* 16, *Cl.* 1.

Section 23, Regulation VII. 1822, applicable to proceedings under this Section.

Ditto.

20. The provisions of Section 23, Regulation VII. 1822, are declared applicable to proceedings by Revenue Officers under this Section.—*Reg.* VII. 1832. *Sect.* 16, *Cl.* 2.

Forms to be observed on selling.

Ditto.

Zemindar to certify balance.

And service of notice in Mofussil.

21. At the time of sale the notice previously stuck up in the Cutcherry shall be taken down, and the lots be called up successively in the order in which they may be found in that notice. A person shall attend on the part of the zemindar with a particular statement of the payments made up to the day of the sale, on account of the balance of each advertised lot, together with the receipt for, or certificate of, the notice directed to be published in the mofussil; nor shall any lot be put up to sale until the statement produced shall have been inspected and the existence of a balance for the year ascertained therefrom, nor until the receipt for the notice shall have been read; the observance of which forms shall be recorded in a separate roobukaree to be held upon each lot sold. If the sale be of the description provided for in the third clause of Section 8, of this Regulation, the kistbundee of the defaulter shall likewise be produced; in order that it may be seen, that the balance remaining unpaid exceeds a four-anna proportion of the demand up to the date of sale; nor shall the sale take place until this

On his own responsibility.

be ascertained. The zemindar shall be exclusively responsible for the correctness and authenticity of the papers to be thus exhibited, nor shall the public officer making the sale be answerable in any respect, except for its fairness and publicity, and for the observance of the rules prescribed for his guidance in this Regulation.—*Reg.* VIII. 1819, *Sect.* 10.

Sale not to be stayed except the arrear claimed be lodged.

Bengal, including Midnapore.

But action to lie for its reversal.

22. Should the balance claimed by a zemindar, on account of the rent of any under-tenure, remain unpaid upon the day fixed for the sale of the tenure, the sale shall be made without reserve in the manner provided for in Sections 9, and 10, of this Regulation; nor shall it be stayed or postponed on any account, unless the amount of the demand be lodged. It shall however be competent to any party desirous of contesting the right of the zemindar to make the sale, whether on the ground of there having been no balance due, or on any other ground, to sue the zemindar for the reversal of the same, and upon establishing a sufficient plea, to obtain a decree with full costs and damages. The purchaser shall be made a party, in such suits, and upon decree passing for reversal of the sale, court shall be careful to indemnify him against all loss, at the charge of the zemindar or person at whose suit the sale may have been made.—*Reg.* VIII. 1819, *Sect.* 14, *Cl.* 1.

Under tenures how to be brought to sale for arrears.

Ditto.

23. Under tenures held under engagements similar to those executed between the zemindar and putneedar, having been declared not to be voidable for an arrear of the rent fixed upon them in perpetuity, it will be necessary that the person to whom the said rent may be payable should (in case he be desirous of holding the tenure answerable in the manner provided for by stipulation in the deeds interchanged) proceed according to the rules of Section 15, Regulation VII. 1799, and the general Regulations, to have the sale effected at the end of the year, in the same manner as heretofore.—But it is hereby provided, that every such sale shall be public, and be conducted by the Register* or acting Register of the zillah Court, or in his absence, by the person in charge of the office of Judge or of Magistrate, under the rules of this Regulation, as far as the same may be applicable; ten days notice shall be given of such sales, by advertisement, to be stuck up at the Cutcheries of the Court and Collector.—*Reg.* VIII. 1819, *Sect.* 16.

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* Vide Par. 19.

SECT. XIV.

Power of under-tenants to stay the sale of Putnee Talooks.

Reason for allowing under-tenants a means of staying sale.

Bengal, including Midnapore.

24. With reference to the injury that may be brought upon the holder of a talook of the second degree, by the operation of the preceding rules, in case the proprietor of the superior tenure purposely withholds the rent due from himself to the zemindar, after having realized his own dues from the inferior tenantry, it is deemed necessary to allow such talookdars the means of saving their tenures from the ruin that must attend such a sale, and the following rules have accordingly been enacted for this purpose.—*Reg.* VIII. 1819, *Sect.* 13, *Cl.* 1.

Manner of doing so.

Ditto.

25. Whenever the tenure of a talookdar of the first degree may be advertised for sale in the manner required by the second and third Clauses of Section 8, of this Regulation, for arrears of rent due to the zemindar, the talookdars of the second degree, or any number of them, shall be entitled to stay the final sale, by paying into court the amount of balance that may be declared due by the person attending on the part of the zemindar on the day appointed for sale: in like manner they shall be entitled to lodge money antecedently, for the purpose of eventually answering any demand that may remain due on the day fixed for the sale, and should the amount lodged be sufficient, the sale shall not proceed, but after making good to the zemindar the amount of his demand, any excess shall be paid back to the person or persons who may have lodged it. —*Reg.* VIII. 1819, *Sect.* 13, *Cl.* 2.

By lodging the advertised balance.

In case of rent due being lodged,

Ditto.

26. If the amount so lodged shall be rent due by the inferior talookdar to the holder of the advertised tenure, the same shall be stated at the time of making the deposit, and the amount shall be carried to the account of the tenant or tenants lodging it, and be deducted from any claim of rent that may at the time be pending, or be thereafter brought forward against him or them by the proprietor of the advertised tenure, on account of the year or months for which the notice of sale may have been published.—*Reg.* VIII. 1819, *Sect.* 13, *Cl.* 3.

Credit to be given.

In case of advance from private funds.

Ditto.

27. If the person or persons making such a deposit, in order to stay the sale of the superior tenure, shall have already paid the whole of the rent due from himself or themselves, so that the amount lodged is an advance from private funds, and

not a disbursement on account of the said rent, such deposit shall not be carried to credit in, or set against future demands for rent, but shall be considered as a loan made to the proprietor of the tenure preserved from sale by such means, and the talook so preserved shall be the security to the person or persons making the advance, who shall be considered to have a lien thereupon, in the same manner as if the loan had been made upon mortgage; and he or they shall be entitled, on applying for the same, to obtain immediate possession of the tenure of the defaulter, in order to recover the amount so advanced from any profits belonging thereto. If the defaulter shall desire to recover his tenure from the hands of the person or persons, who by making the advance may have acquired such an interest therein, and entered on possession in consequence, he shall not be entitled to do so, except upon repayment of the entire sum advanced, with interest at the rate of twelve per cent. per annum, up to the date of possession having been given as above, or upon exhibiting proof, in a regular suit to be instituted for the purpose, that the full amount so advanced, with interest, has been realized from the usufruct of the tenure.—*Reg.* VIII. 1819, *Sect.* 13, *Cl.* 4.

To have the effect of mortgage.

Defaulter how to recover possession.

SECT. XV.

Rights transferred to Purchasers of Putnee Talooks.

Tenure to be sold free of incumbrance by act of defaulter.

Bengal, including Midnapore.

28. It is hereby declared, that any talook or saleable tenure that may be disposed of at public sale under the rules of this Regulation, for arrears of rent due on account of it, is sold free of all incumbrances that may have accrued upon it by act of the defaulting proprietor, his representatives or assignees; unless the right of making such incumbrances shall have been expressly vested in the holder by a stipulation to that effect in the written engagements under which the said talook may have been held. No transfer by sale, gift or otherwise, no mortgage or other limited assignment shall be permitted to bar the indefeasible right of the zemindar to hold the tenure of his creation answerable in the state in which he created it, for the rent, which is in fact his reserved property in the tenure; except the transfer or assignment should have been made with a condition to that effect, under express authority obtained from such zemindar.—*Reg.* VIII. 1819, *Sect.* 11, *Cl.* 1.

29. In like manner, on sale of a talook for arrears, all leases originating with the holder of the former tenure, if creative of a middle interest between the resident cultivators and the late proprietor, must be considered to be cancelled, except the authority to grant them should have been specially transferred; the possessors of such interests must consequently lose the right to hold possession of the land, and to collect the rents of the ryots; this having been enjoyed merely in consequence of the defaulter's assignment of a certain portion of his own interest, the whole of which was liable for the rent.—*Reg.* VIII. 1819, *Sect.* 11, *Cl.* 2.

No underlease to stand after sale.

Bengal, including Midnapore.

30. Provided nevertheless, that nothing herein contained shall be construed to entitle the purchaser of a talook or other saleable tenure intermediate between the zemindar and actual cultivators, to eject a khodkast ryot, or resident or hereditary cultivator, nor to cancel bonâ fide engagements made with such tenants by the late incumbent, or his representative, except it be proved in a regular suit, to be brought by such purchaser for the adjustment of his rent, that a higher rate would have been demandable at the time such engagements were contracted by his predecessor.—*Reg.* VIII. 1819, *Sect.* 11, *Cl.* 3.

Exception in favour of bonâ fide engagements with ryots.

31. The rules of the preceding section being declaratory of the principle to be observed on all occasions, wherein saleable tenures are made responsible for the zemindar's reserved rent, will equally apply to the case of talooks heretofore sold, as to those that may be sold henceforward, if the sale shall have been fair, and the process observed in conducting it shall have been that recognized and in use in the district at the time of selling. Nothing however herein contained shall operate to the prejudice of any agreement, express or implied, now subsisting between the purchaser of a talook and the lessees of his predecessor. Neither shall the rule for the fall of under-tenures be considered to apply to any private transfer by a talookdar of his own interest, nor to a public sale in execution of a decree, nor to the case of a relinquishment by the talookdar in favour of the zemindar, nor to any act originating with the former holder, other than default as aforesaid; all such operations involve only a transfer of the tenure in the state in which it may be held at the time, and the new incumbent succeeds to no more than the reserved rights of the former tenant, such as they may be,

Above rule to take effect retrospectively.

Proviso.

But not to apply to private transfers.

and is of course subject to any restriction put upon the tenure by his act.—*Reg.* VIII. 1819, *Sect.* 12.

SECT. XVI.

Transfer of possession of Putnee Talooks to Purchasers.

Rules for purchasers obtaining possession.

Bengal, including Midnapore.

32. So soon as the entire amount of the purchase money shall have been paid in by the purchaser, at any sale made under this Regulation, such purchaser shall receive from the officers conducting the sale, a certificate of such payment. The purchaser shall then proceed with the certificate in question to procure a transfer to his name in the Cutcherry of the zemindar, and upon furnishing security, if required, to the extent of half jumma or annual rent, he shall receive the usual umuldustuk, or order for possession, together with the notice to the ryots and others to attend and pay their rents henceforward to him. The zemindar shall also be bound to furnish access to any papers connected with the tenure purchased, that may be forthcoming in his Cutcherry, and should he in any manner delay the transfer in his office, or refuse to give the orders for possession, notwithstanding that good and substantial security shall have been furnished, or tendered, on requisition, the new purchaser shall be entitled to apply direct to the court, and he shall receive the orders for possession, and shall be put in possession of the lands by means of the nazir, in the same manner as possession is obtained under a decree of court; provided however that if the delay be on account of the zemindar's contesting the sufficiency of the security tendered, the rule contained in Section 6, of this Regulation shall be observed. —*Reg.* VIII. 1819, *Sect.* 15, *Cl.* 1.

Zemindar to give transfer on security being furnished, if required.

Remedy in case of delay.

Proviso.

33. When the new purchaser shall proceed to take possession of the lands of his purchase, if the late incumbent himself, or the holders of tenures or assignments derived from the late incumbent, and intermediate between him and the actual cultivators, shall attempt to offer opposition, or to interfere with the collections of the new purchaser, from the lands composing his purchase, the latter shall be at liberty to apply immediately to the civil Court, for the aid of the public officers in obtaining possession of his just rights. A proclamation shall then issue under the seal of the Court and signature of the Judge, declaring, that the new incumbent having, by purchase at a

In case of opposition.

Ditto.

Proclamation to issue from Court.

sale for arrears of rent due to the zemindar, acquired the entire rights and privileges attaching to the tenure of the late talookdar, in the state in which it was originally derived by him from the zemindar, he alone will be recognized as entitled to make the zemindaree collections in the mofussil, and no payments made to any other individual will on any account be credited to the ryots or others in any summary suit, for rent, brought under the provisions of Section 15, Regulation VII. 1799, or in any application to stay process by distraint, under the rules of Regulation V. 1812, or on any other occasion whatever, when the same may be pleaded.—*Reg.* VIII. 1819, *Sect.* 15, *Cl.* 2.

In case of further opposition.

Bengal, including Midnapore.

34. Should the late incumbent, or his late under-tenants, continue to oppose the entry of the new purchaser, notwithstanding the issuing of such a proclamation, or should there be reason to apprehend a breach of the peace on the part of any one, the aid of the police officers, and of all other public officers, who may be at hand, and capable of affording assistance, shall be given to the new purchaser, on his presenting a written application for the same; and in the event of any affray or breach of the peace occurring, the entire responsibility shall rest with the party opposing the lawful attempt of the purchaser to assume his rights.—*Reg.* VIII. 1819, *Sect.* 15, *Cl.* 3.

Police and all public officers to aid.

SECT. XVII.

Disposal of the Purchase Money on the sale of Putnee Talooks.

Rules for disposing of the purchase money of sales for arrears under this Regulation.

35. The following rules have been enacted for the disposal of the proceeds of any sale made under the rules of this Regulation.—*Reg.* VIII. 1819, *Sect.* 17, *Cl.* 1.

Ditto.

One per cent. to be carried to the account of Government.

36. One per cent. shall first be deducted from the net proceeds realized, and shall be carried to the account of Government, for the purpose of meeting the expense of any extra establishments which it may be necessary to maintain, for carrying into effect the provisions of this Regulation.—*Reg.* VIII. 1819, *Sect.* 17, *Cl.* 2.

Ditto.

Zemindar's balance and expences to be next made good.

37. The balance on account of which the sale may have been made, shall next be made good in full (with interest and all charges incurred in bringing the talook to sale) to the zemindar or other person to whom the same may be due: provided

Ditto.

however that no former balances, beyond those of the current year (or of that immediately expired, if the sale be at the commencement of the following year,) shall be included in the demand to be thus satisfied.—Such antecedent balances, if the zemindar shall have omitted to avail himself of the process within his reach, for having them satisfied at the time, will have become in fact mere personal debts of the individual talookdar, and must be recovered in the same way as other debts by a regular suit in the Court.—*Reg.* VIII. 1819, *Sect.* 17, *Cl.* 3.

But not antecedent balances.

Remainder to be sent to the Collector's treasury,

Bengal, including Midnapore.

To answer claims of under-tenants.

38. Any excess that may remain after satisfying the demand of the zemindar, in the manner above described, shall be forthwith sent by the officer conducting the sale to the treasury of the Collector or Assistant Collector of the district, to be there held in deposit to answer the claims of the talookdars of the second degree, or of others who, by assignment of the defaulter, may be at the time in possession of a valuable interest on the land composing the talook sold, or on any part of it. —*Reg.* VIII. 1819, *Sect.* 17, *Cl.* 4.

Under tenants free to prosecute for the price of their interest or compensation.

Ditto.

39. It shall be competent to any one conceiving himself to possess such an interest, to bring forward his claim to the price he may have paid for the same, or for a just compensation for the loss sustained by him in consequence of the sale, by instituting a regular suit at any time within two months from the date of sale. If the court shall on investigation consider the plaintiff's claim to be an equitable one, the court will award to the claimant either the price he may have originally paid, or the value of the interest at the time of sale, or any other amount that may be deemed just and equitable under all the circumstances.—If there be more claimants than one, payment shall not be made from the deposit, until the whole of the claims be settled: and in case the value assessed upon the whole should exceed the amount in deposit, such amount shall be divided proportionally, and the remainder stand as a personal debt against the defaulter, to be realized from him by the usual process for the execution of decrees.—*Reg.* VIII. 1819, *Sect.* 17, *Cl.* 5.

Payment how to be made from deposit if many claims.

Action not to lie if the under-tenant be himself in arrear at the time of sale.

Ditto.

40. Provided however that no talookdar of the second degree, or other possessor of an assigned interest upon the land of the tenure sold, who may be holding under a stipulation for the payment of an annual amount in the way of rent, shall be

entitled to recover compensation for the loss of such tenure or assignment upon its becoming cancelled by sale of the superior talook, except after exhibiting proof that the whole amount of the rent demandable from himself, has been paid or lodged for the purpose, prior to the date of sale.—*Reg.* VIII. 1819, *Sect.* 17, *Cl.* 6.

In case of no claim in two months, or only partial claims, defaulter to receive the excess unclaimed.

Bengal, including Midnapore.

41. Should no claims upon the purchase money of a talook sold as above, be brought forward by any under-tenants or assignees, within the period of two months from the date of sale, or should the amount claimed by those who may have sued not equal the entire deposit, the defaulter whose tenure may have been sold, shall be at liberty to petition the Court for the amount so held in deposit, or for the excess thereof, as the case may be, and he shall receive a certificate under the seal of the Court, of there being no claims to afford ground of detention for the whole or any part of the deposit; and upon exhibiting such certificate to the Collector, the amount set free thereby shall be paid to his receipt. In the same manner upon executing a decree passed in favour of any under-tenants or assignees, they shall receive certificates under the seal of the Court, declaring the amount adjudged to them out of the deposit, and upon exhibiting these certificates, the amount shall be paid severally to their receipts by the Collector.—*Reg.* VIII. 1819, *Sect.* 17, *Cl.* 7.

Any party interested, may substitute Government securities for cash in deposit.

Ditto.

42. It shall be competent to any party interested in a deposit, to withdraw the whole or any part thereof, on substituting Government securities, bearing interest, in lieu of the money so held in deposit: such securities to be taken at the rate of discount or premium of the day, as shown by the Government Gazette last received.—*Reg.* VIII. 1819, *Sect.* 17, *Cl.* 8.

Summary Suits.

SECT. I.

Of Regular Suits in preference to Summary Suits.

City and zillah Judges to encourage the institution of regular, instead of summary suits, in certain cases.

1. By Section 20, Regulation V. 1812, it is provided, that suits instituted under that Regulation for the recovery of arrears of rent may be decided by the zillah and city Judges on summary enquiry; it was not however intended by that provision to preclude individuals from instituting a regular suit in the first instance for the more formal investigation of the merits of the case, either before the Moonsiffs or in the zillah and city or provincial Courts, according to the amount at issue, and the zillah and city Judges are hereby enjoined to encourage, as much as possible, that mode of procedure, as well in the suits above adverted to, as in all other claims for arrears of rent, which may be cognizable by summary process under the existing rules, whenever it may in their opinion lead to a more prompt and satisfactory determination of the points at issue.—*Reg.* II. 1821, *Sect.* 4.

Plaints in regular suits for arrears of revenue, if cognizable as summary suits, may be preferred on paper of one-fourth the prescribed value.

2. With a view to give additional encouragement to parties having claims to arrears of rent, to prefer regular suits on account of the same, it is hereby declared that the plaint in all such regular suits, if under the existing regulations they would have been cognizable as summary suits, may be written on paper bearing a stamp of one-fourth the prescribed value.

Proviso.

Provided, however, that this rule shall not be considered applicable to a suit instituted with a view to set aside a previous summary decision, which suit shall be subject to the ordinary provisions for the payment of stamp duty.—*Reg.* VIII. 1831, *Sect.* 8.

Moonsiffs appointed under Regulation V. 1831, declared competent to award damages in cases of illegal distraint or attachment.

3. In those districts in which Moonsiffs may be appointed under the provisions of Regulation V. 1831, those Moonsiffs shall be competent, in addition to the authority now possessed by Moonsiffs generally, of receiving, trying, and deciding claims to arrears of rent preferred by regular suit, in like

* For the rules regarding summary suits, the reader must also consult the 4th and following Sections of the 7th Chapter of this compilation.

manner to dispose of all claims preferred by under-tenants or others, who may be desirous of resisting the distraint of their property or the attachment of their persons; or who may prefer a claim for damages on account of such acts.—The rule contained in Section 13, Regulation XXIII. 1814, or any other Regulation, prohibiting the award of damages by Moonsiffs, shall not be considered applicable to such claims.—*Reg.* VIII. 1831, *Sect.* 11.

Rules prohibiting award of damages by Moonsiffs, declared inapplicable to such cases.

SECT. II.

Cognizance of Summary Suits by Revenue, and not by Judicial Officers.

4. Such parts of Regulation VII. 1799, V. 1800, XVIII. 1803, V. 1812, VII. 1813, XIX. 1817, XIV. 1824, or of any other Regulations in force, as authorize the Judges of the zillah or city Courts, to take cognizance of summary suits or claims relating to arrears or exactions of rent, and to refer the same to the Collector for investigation and decision, are hereby rescinded.—*Reg.* VIII. 1831, *Sect.* 2.

Rules which authorize Judges to take cognizance of summary suits, rescinded.

5. From and after the date of the promulgation of this Regulation, it shall not be competent to the Judicial authorities to receive any claims of the nature above adverted to, unless the complaint be preferred as a regular suit in the mode prescribed by Regulation IV. 1793, and the corresponding enactments. —*Reg.* VIII. 1831, *Sect.* 3.

Judicial authorities declared incompetent to receive any claim of the above nature, unless preferred as a regular suit.

6. All summary cases of the above nature which may be depending in the zillah and city Courts, at the date of the promulgation of this Regulation, shall be transferred to the Collectors of the several districts for investigation and decision.—*Reg.* VIII. 1831, *Sect.* 5.

Summary cases depending in the Courts to be transferred to Collectors.

7. Whenever, from the great accumulation of suits connected with claims to arrears or exaction of rent, or from any other cause, it shall seem advisable, the several Collectors are hereby authorized, with the previous sanction of the Commissioner of the division, to refer to the Tehseeldars within their respective districts, any such claims with a view to their being adjusted and reported upon, and the several Tehseeldars shall be guided in the performance of this duty by the rules which were declared applicable to the proceedings of Collectors in

Collectors authorized, with the permission of Commissioner of Revenue, to refer summary cases for adjustment and report to tehseeldars who are to be guided in such cases by the rule applicable to Collectors prior to the Rules of Regulation XIV. 1824.

similar references, prior to the enactment of Regulation XIV. 1824.—*Reg.* VIII. 1831, *Sect.* 13.

Assistants to Collectors not competent to decide suits under this Regulation, unless specially empowered by the Governor General in Council.

8. In modification of Clause 3, Section 8, Regulation IV. 1821, it is hereby declared that Assistants to Collectors are not competent to exercise the powers vested in Collectors by this Regulation, unless specially empowered by the Governor General in Council. When thus empowered, they shall be competent to decide suits referred to them by the Collector, subject always to such revision or control on his part as he may see fit to exercise, and subject ultimately to an appeal to the Commissioner of Revenue under the provisions of Section 4, of this Regulation.—*Reg.* VIII. 1831, *Sect.* 24.

SECT. III.

Summary Suits for Arrears of Rent—Process of Arrest.

Any landholder or farmer to whom an arrear of rent may be due from an under-tenant which cannot be realized by distress may cause the arrest of the defaulter and his surety in the manner following.

9. Any zemindar, talookdar, or proprietor or farmer of land, to whom an arrear of rent may be due from a dependant talookdar, kutkinadar, jotedar, or other under-tenant of whatever denomination, which cannot be realized by distraining the personal property of such under-tenant, and his surety (if he shall have given security) is at liberty, after demanding such arrear from the defaulter, and from his surety if forthcoming, or without any express demand if he have reason to believe that the defaulter or his surety is prepared to abscond, to cause the immediate arrest of such defaulter and his surety in the manner following.—*Reg.* VII. 1799, *Sect.* 15, *Cl.* 1.

Benares Reg. V. 1800, Sect. 14, Cl. 1.

Ceded Prov. Reg. XXVIII. 1803, Sect. 32, Cl. 1.

Petition to be presented to the Judge of the Dewanny Adawlut or native Commissioner appointed under Regulation XL. 1793.

What such petition is to contain.

10. The proprietor or farmer to whom the arrear may be due or his authorized agent, is at liberty to present a petition to the Judge of the zillah Dewanny Adawlut, or in cases wherein there may be reason to apprehend the immediate elopement of the defaulter or his surety, to the native Commissioner appointed under Regulation XL. 1793,* within whose jurisdiction the party may reside, setting forth in specific terms the arrear due from the defaulter, and praying that he and his surety (in case

* The native Commissioner and the Moonsiff are the same.

he shall have given security) may be taken into custody, unless the amount be paid. On the receipt of a petition to this effect by a native Commissioner appointed under Regulation XL. 1793, he shall, if the defaulter and his surety, or either of them be within his jurisdiction, immediately cause such party to be arrested, and unless immediate payment be made of the arrear demanded, shall within twenty-four hours, cause him to be conveyed to the Judge of the zillah Dewanny Adawlut; who shall proceed thereupon in like manner as he is hereafter directed to do in the event of the petition having been presented to him, and of the party having been arrested by his immediate order. But no native Commissioner shall detain any defaulter or surety in custody, without sending him to the Judge, above twenty-four hours, under penalty of being dismissed from his office, and made liable to prosecution for false imprisonment, unless the party in arrest shall, by a written application, desire the same for the purpose of adjusting his arrear with the party who caused his arrest, and the latter shall assent thereto; in which case his written acquiescence is to be superscribed or endorsed on the application with his signature; and to be written in such specific terms as may leave no doubt of the time for which such assent to stay process is given.—*Reg.* VII. 1799, *Sect.* 15, *Cl.* 2.

Native Commissioner how to proceed on receipt of such petition;

And Judge how to proceed on the party arrested by a native Commissioner being brought before him.

No Commissioner to detain a defaulter or surety in custody, without sending him to the Judge, above twenty-four hours.

Except by desire of the parties and under a written assent to stay process.

Benares Reg. V. 1800, Sect. 14, Cl. 2.

Ceded Prov. Reg. XXVIII. 1803, Sect. 32, Cl. 2.

11. If the petition of arrest, stated in the preceding clause, be presented in the first instance to the zillah Judge (and to save time, it is allowed to be presented either in or out of court, and by any authorized agent, whether one of the established vakeels of the court or otherwise) the Judge, if the defaulter or surety be within his jurisdiction, is immediately to issue a dustuck for the arrest of such party and to bring him before the court, unless he pay the arrear demanded, and if such payment be not made on the service of the dustuck, or within twenty-four hours afterwards (which time is to be allowed to the party arrested to adjust the demand,) the officer charged with the dustuck is to complete the execution thereof by conveying the party to the zillah court. Provided however, that if the party arrested shall by a written application, request a longer period than twenty-four hours to adjust the demand against him, and the party causing the arrest shall, by a written superscription

Judge how to proceed if the petition of arrest be presented to him in the first instance.

Dustuck for arrest issued by the Judge how to be executed.

or endorsement on such application, acquiesce therein, the officers charged with the dustuck shall delay the execution accordingly; and whenever the party at whose instance the dustuck may have been issued shall, by a written deikhaust, declare himself satisfied, and desire the arrest to be withdrawn, it shall be immediately withdrawn accordingly, the officers charged with the dustuck, (who are never to exceed two in number, unless in any particular case a greater number be considered necessary to prevent escape) being at the same time paid the tullubaneh due to them according to the rate established by Section 3, of Regulation XIV. 1793, viz. two annas per diem, or any lower rate that may have been the customary allowance to persons deputed with revenue processes.—*Reg.* VII. 1799, *Sect.* 15, *Cl.* 3.

Dustuck when to be withdrawn.

Number of officers to be charged with dustuck,

And rate of tullubaneh to be allowed them.

Benares Reg. V. 1800, Sect. 14, Cl. 3.

Ceded Prov. Reg. XXVIII. 1803, Sect. 32. Cl. 3.

12. Native workmen and other persons, weavers, silk winders, &c. in the employ of Commercial Residents, also persons under engagements to deliver articles to the Commercial officers of the Honourable Company, shall be, and are hereby declared to be, subject to the same process civil and criminal of the Courts and public officers of the country as other natives living within the jurisdiction of the said Courts and no distinction shall be made in the form and manner of serving the process on them.—*Reg.* IX. 1829, *Sect.* 3, *Cl.* 2.

Workmen, contractors, and others to be served with process of civil or criminal Courts as other persons.

13. The provisions for a summary process against defaulting under-tenants and their sureties, contained in Section 15, Regulation VII. 1799, Section 14, Regulation V. 1800, and Section 32, Regulation XXVIII. 1803, suppose the under-tenant and his surety, at the time of a petition being preferred for their arrest, to be within the zillah or city jurisdiction, in which the land for which the arrear of rent is claimed (or the greater part of it, if in two jurisdictions) may be situated as the summary enquiry provided for could not be regularly or conveniently made in a different jurisdiction, but to prevent an evasion of the authorized process against defaulting under-tenants and their sureties, it is necessary to make further provision for their arrest, when they may not reside, or be found, within the limits of the zillah or city, in which the land tenanted by the defaulter is situated. It is therefore hereby provided, that

Petitions for the arrest of defaulting under-tenants and their sureties may be presented to the Judge of the zillah or city, in which the defaulter shall at the time reside.

whenever a dependant talookdar, kutkinadar, jotedar, or other under-tenant, or the surety of any such under-tenant, from whom an arrear of rent may be due, and who may have failed to discharge the same on demand, may reside, or be in a zillah or city, different from that wherein the land, for which the arrear of rent is due, may be situated, it shall be competent to the zemindar, or other proprietor or farmer of the land, to whom the arrear of rent may be owing, or his authorized agent, to present a petition specifying the particulars stated in the following Clause, and praying for the arrest of the defaulter, or his surety, to the Judge of the zillah or city in which the defaulter or his surety may reside, or be; and the Judge receiving the same shall immediately issue the process of arrest, directed in the third Clause of Section 15, Regulation VII. 1799; and the corresponding Clause of Section 14, Regulation V. 1800, and Section 32, Regulation XXVIII. 1803.—*Reg.* XIX. 1817, *Sect.* 15, *Cl.* 1.

Who is immediately to issue the prescribed process or arrest.

14. The petition of arrest, to be presented under the above clause, as well as any petitions for the arrest of defaulting under-tenants or their sureties, which may be hereafter presented under the Regulations above mentioned, shall specify, besides the name and residence of the defaulter and surety, and the muhal for which the balance of rent is claimed, the annual jumma of such muhal: the amount demandable for the kists of the current year which may have become payable, the amount received from the tenant or his surety, and the balance actually due for the payment of which the arrest is desired. The petition shall also state whether the arrear claimed has been demanded from the defaulter or his surety, and the result.—*Reg.* XIX. 1817, *Sect.* 15, *Cl.* 2.

What such petition is to contain.

15. If the defaulter, or surety, against whom process of arrest may be issued under the first clause of this section, be found within the jurisdiction of the Judge by whom the same shall have been issued; and after being arrested, he shall not pay the arrear demanded, or satisfy the party causing his arrest; and shall, in consequence be brought to the local civil court, in pursuance of the rule contained in the Regulations before noticed; the Judge shall call upon him, to shew cause why he should not be sent to the Judge of the zillah or city, in which the land, for which the arrear is claimed (or the greater part of it, if in two jurisdictions) may be situated; and if sufficient

How the Judge is to proceed in case a defaulter after such arrest shall not satisfy the party aggrieved;

Or shall not furnish security for his appearance before the Judge of the zillah on which the land is situated.

cause be not assigned, or substantial security given for attending the Judge of the jurisdiction in which the land is situated, within a limited period, the party arrested shall be sent in custody of mohussil peons (at the charge of the party claiming the arrear) to the Judge of the zillah or city, in which the land may be situated. A statement of the case with the original petition of arrest, and all other papers connected with it, shall at the same time be transmitted for the information of the Judge, to whom the party in arrest may be sent in such cases. The petition of arrest, and all papers connected with it, shall likewise be sent to the Judge of the zillah or city in which the land may be situated, whenever the party arrested may assign sufficient cause for not being sent as directed; or may give security for his attendance, which shall be accepted whenever substantial security may be offered.—*Reg.* XIX. 1817, *Sect.* 15, *Cl.* 3.

What documents are to accompany the defaulter on such occasions.

In cases where security is furnished the petition of arrest and papers connected with it only to be forwarded.

Judge of the zillah or city where the land is situated will then proceed against a defaulter as directed by the Regulations.

16. When a defaulting tenant, or his surety, may be brought to the court of the zillah or city in which the land is situated, or may attend under security for his appearance, in pursuance of the foregoing clause, the Judge shall proceed, as directed in similar cases, by the regulations in force, when the defaulter or surety may have been arrested within his own jurisdiction. —*Reg.* XIX. 1817, *Sect.* 15, *Cl.* 4.

Optional for zemindars to take out arrest from the Court having jurisdiction over the tenure.

17. In addition to the rules contained in Section 15, Regulation XIX. 1817, it is hereby provided that any zemindar, talookdar, farmer, or other person entitled to receive rent, who may desire to take out summary process against the person of a defaulter, shall be at liberty to make application for the purpose either to the Judge of the district within which the land may be situated, or of the district wherein the defaulter may be at the time resident, at his option. In the event of his applying to the Judge of the district, within which the defaulter may not be resident, the process shall be transmitted by dawk to the Judge of the district where he may reside, in order to be there served in the usual form. The defaulter, if apprehended, shall be sent over in custody; or if he should not be found, so that the process cannot be served, a return shall be made accordingly, and the deposition of the peon employed shall further be taken, to be sent along with the return for the satisfaction of the Judge issuing the process, as to the efforts made to apprehend the defaulter.—*Reg.* VIII. 1819, *Sect.* 19.

Or from that of the place of residence.

Process in latter case.

18. The provisions contained in Section 15, Regulation VII. 1799; Section 14, Regulation V. 1800; and Section 32, Regulation XXVIII. 1803; for the arrest of defaulting under-tenants, and their sureties from whom arrears of rent may be due to proprietors and farmers of land, and for a summary enquiry to be made by the Judges of the zillah and city Courts when the parties so arrested for arrears of rent may be brought before them, are from the terms and objects of such provisions evidently intended to be applicable only to recent arrears of rent, due in the course of the current year, or immediately after the close of it; and it is hereby declared, that the summary inquiry and process authorized by the above regulations shall not be applied to any arrear of rent, or other demand which may have been due more than a complete year, before the delivery of the petition of arrest, and application for such summary inquiry and process, as directed by the regulations above cited. Provided however that this restriction shall not be considered to preclude the Judges of the zillah and city Courts, (or their Registers, or the Collectors, to whom such inquiry may be committed by them,) from including in the adjustment of recent arrears in such cases, any arrear which may be found due beyond the period of one year, if the same shall appear equitable.—*Reg.* II. 1805, *Sect.* 4, *Cl.* 1.

Explanation of provisions in existing regulations for summary process to recover arrears of rent.

Applicable to recent arrears of rent only.

And not to be applied to any demands due for more than a complete year before the application for such process.

But Judges, Registers, and Collectors, in the adjustment of arrears, in such cases, may include arrears due for more than one year, if it appear equitable.

19. The rule of limitation prescribed by the above clause is also hereby extended to applications for summary process by landholders and farmers, against their agents employed in the management of their estates and farms, or in the collection of their rents, under the provisions made by Section 20, Regulation VII. 1799; Section 19, Regulation V. 1800; and Section 37, Regulation XXVIII. 1803, which authorize such process for the arrest and imprisonment of the agents of landholders and farmers, whilst in their service, or immediately after the resignation or dismission of agents of the above description, on account of demands for money in their hands, or for accounts which they may refuse to render, or for any matter relating to the discharge of their respective trusts.—*Reg.* II. 1805, *Sect.* 4, *Cl.* 2.

Limitation in above clause extended to applications for summary process by land holders and farmers, against their agents, under existing regulations.

20. In modification of the existing rules regarding summary suits, it is hereby provided, that the summary jurisdiction to be exercised by Collectors shall be restricted to the object of enforcing payments of the rents paid in past years, to the entire exclusion of all claims to increase, except on proof of bonâ fide

Collectors jurisdiction restricted to enforcing rents paid in past years to the exclusion of claims to increase except on written engagements.

written engagements to such increase.—*Reg.* VIII. 1831, *Sect.* 10.

Summary decree to pass ex-parte in case of return non-inventus.

Form to be observed.

21. After process of arrest may have been taken out in the usual form, if the return of the nazir be, that after diligent search the party cannot be found, it shall be optional with the plaintiff to move the Court by his vakeel or authorized agent to solicit a postponement of the case for a month, in order to cause another process to be served at any time in the course of it, that may afford the chance of securing the person of the defaulter, and then to have a notice issued and the case brought to judgment; or to cause proclamation to be made without such postponement, that after fifteen days from the date of notice, the Court will proceed to a summary investigation of the balance, and in case of the non-attendance of the defendant, will pass judgment summarily upon the documents and proofs that may be exhibited by the plaintiff exparte.—*Reg.* VIII. 1819, *Sect.* 18, *Cl.* 3.

SECT. IV.

Process against persons employed in manufacturing Salt for the Government.

The summary process authorized in Clauses First to Sixth, of Section 15, Regulation VII. 1799, shall not be applicable to under-tenants employed in the salt manufacture, during the manufacturing season.

22. The summary process authorized by Clauses First, Second, Third, Fourth, Fifth and Sixth, of Section 15, Regulation VII. 1799, for the arrest and confinement of defaulting under-tenants of land and their sureties, shall not be applied to under-tenants employed in the manufacture of salt during the manufacturing season, as described in Section 18, Regulation XXIX, 1793, viz. from the commencement of the month of Kartic, to the end of the month of Assar. The rent payable by persons so employed can seldom be so considerable as not to be recoverable by distraining their crops and other personal property, as authorized by Regulations XVII. 1793, XXXV. 1795, and VII. 1799, provided the distress be levied in due time; but if in any instance an arrear of rent should be due from a person employed in the manufacture of salt which cannot be realized by distraining his crops and other personal property (and that of his surety if he shall have given security,) the proprietor, or farmer of land, to whom such arrear may be due, or his authorized representative, is to proceed for the recovery of it in the mode directed by Section 19, Regulation

Such persons to be proceeded against as directed

XXIX. 1793, which is still to be considered in full force, as well as Sections 20, and 21, of the same Regulation notwithstanding any part of Regulation VII. 1799, or any other regulation passed antecedent to this date.—*Reg.* IX. 1801, *Sect.* 2.

in Section 19, Regulation XXIX. 1793, and other sections.

[Regulation XXIX. 1793, was repealed by Regulation X. 1819; and the following rules appear to have been enacted in lieu of Sections 19, 20, 21, of Reg. XXIX. 1793.]

23. To prevent unnecessary interruption to the manufacture, and at the same time that persons employed in it, may not withhold the rents justly due from them for lands which they may rent, or cultivate, the following rules are prescribed.—*Reg.* X. 1819, *Sect.* 20, *Cl.* 1.

But to prevent interruption to the salt manufacture, and to secure the payment of rents.

24. From the beginning of Kartic to the end of Assar, no person under engagements, and employed in the salt manufacture, shall be liable to be arrested for a demand of rent, nor to be summoned to the Cutcherry of any proprietor, or farmer of land, or any person holding, or entrusted with the collection of the rents, or revenue of lands, or the management thereof, under any pretence whatever. If any such proprietors, farmers, or other persons aforesaid, shall have a claim for, or relating to rent on any persons so engaged and employed, and shall be desirous of enforcing it during the period above mentioned, they shall either distrain for the amount, under the existing regulations, for levying distress for the recovery of arrears of land rent, or sue the stated defaulter for it in the Dewanny Adawlut, or state their claim in writing to the agent, who, if he shall deem it expedient so to do, shall cause the stated defaulter to satisfy it himself, and stop the amount by kistbundy from his future advances; so that his labour on account of the manufacture may not be interrupted. If the claimant shall prefer applying in the first instance to the agent, and he shall not afford satisfaction for the claim, the claimant must distrain, or commence a civil prosecution as above pointed out. But the salt advances, or implements belonging to the Company in the hands of the defaulter, shall not be held liable for the claim, nor shall they under any pretence whatsoever, be distrained, seized, sold, or otherwise disposed of by the claimant, or by the Court, in satisfaction of his demand.—*Reg.* X. 1819, *Sect.* 20, *Cl.* 2.

Certain rules enacted.

25. Persons instituting suits in the Dewanny Adawlut against any of the officers of the agents, or any individuals un-

Forms to be observed in suits instituted against

officers, or persons employed in the salt manufacture.

der engagements on account of the salt manufacture, and employed therein, are to specify their being so engaged and employed. If the notice of summons is to be served during the months of Sawun, Bhadoon, and Assin, it shall be served on the defendant, in the same manner, as on other defendants not employed in the salt manufacture. If the notice or summons is to be served between the commencement of Kartic, and the end of Assar, the notice or summons with a copy of the complaint shall be enclosed in a sealed cover, addressed to the agent and superscribed with the official signature of the Judge or Register. It shall be at the option of the agent to execute, or to cause one of his officers, or any other person, whom he may think proper, to execute the security required from defendants, in cases in which such security may be considered necessary, or to leave the party to find the required security; and in the latter case, and in the event of the summons being committed to an officer of the Court, if the officer shall entertain doubts of the responsibility of the surety so offered, and the Agent shall declare such surety to be responsible, the officer shall accept such security. If a requisition of security for appearance should be made, and the Agent should not deem it expedient to order any of his officers or any other person to become security, and the defendant himself should not be able to find such security, as the Agent may deem responsible, the Agent is to cause the party summoned to accompany the officer of the Court to the Court, or if the summons shall not have been committed to the charge of an officer, he shall cause him to be conveyed before the Court.—*Reg.* X. 1819, *Sect.* 21, *Cl.* 1.

Further rules with regard to the mode of furnishing security for such persons

26. The salt Agents are to empower their respective assistants, whether covenanted servants of the Company or European uncovenanted assistants, and also an authorized vakeel of the Dewanny Adawlut, or any other person whom the Agents may think it proper to station at the place, at which the Court may be held, to execute the securities specified in the preceding clause for persons employed in the salt manufacture. The Agents are to be careful to keep the Judge furnished with a list of the persons so empowered, specifying also the place at which they may usually reside, and Judges are authorized in instances in which they may deem it proper, either from the distance of the place of abode of the Agent from the place at which the person to be summoned may reside, or

other circumstances, to order the summons to be enclosed to one of the persons, so empowered to become security, instead of transmitting it to the Agent himself under the first Clause of this section—in which case such person shall proceed in the manner prescribed to the Agent, where the summons may be sent immediately to him.—*Reg.* X. 1819, *Sect.* 21, *Cl.* 2.

Ditto when a notice or summons may be served in the ordinary form on such person.

27. If a suit shall be preferred in the Dewanny Adawlut against any of the officers of the Agents, or any person under engagements on account of the salt manufacture, and employed therein, without specifying that he is so engaged, and employed, and a notice, or a summons shall in consequence be ordered to be served on him in the same manner as on other defendants, between the commencement of Kartic and the end of Assar, the officer serving the notice or summons, on the circumstance of the defendant being so employed being notified to him by the Agent or any of his officers, or by the defendant himself, shall deliver such notice or summons to the nearest person empowered to execute securities, whether the Agent, or his covenanted or uncovenanted assistants, or the head officer of an aurung, who shall proceed in the manner prescribed to the Agent in Clause first of this Section. If any officer charged with a summons against any person of the above description shall receive the notification of the defendant's being employed in the manufacture from the defendant only, and shall entertain doubts of his being so employed; or if he shall not entertain any such doubts, but shall apprehend that he will abscond whilst he (the officer) is repairing with the summons to the person empowered to execute the securities; he shall in such case, carry the defendant with the summons to the person so empowered, and shall not release his person until the required securities have been executed.—*Reg.* X. 1819, *Sect.* 21, *Cl.* 3.

Indorsement to be made on process issued under the preceding rules.

28. In all the cases specified in the preceding clauses of this Section, the Agent or his covenanted or uncovenanted assistants or head officer, through whom the summons or warrant may be served, shall note on the back of it in what manner it has been served, and by whom the security has been executed. —*Reg.* X. 1819, *Sect.* 21, *Cl.* 5.

The Agent to be held personally answerable for the performance of the condition of secu-

29. In all the cases in which the Agents or their head officers empowered for that purpose, shall become surety under any of the clauses of this Section for the appearance of any

rity for appearance, which may be given by himself, or authorized officers under this Regulation.

officer or person employed in the salt manufacture, or shall declare any person whom the party summoned may offer as surety to be responsible, the Agent is to be considered personally answerable for the due performance of the conditions of the security, in the event of the party for whom the security may be given not performing them himself, or, where the party himself shall have given the security, and it shall have been declared responsible by the Agent or his officers, in the event of the party, or such surety, not performing them. It will accordingly be the business of the Agents to take care to employ creditable persons only as head officers to superintend the business of the aurungs and to become security, and to furnish them with proper instructions, and to take such security from them as they (the Agents) may deem sufficient to indemnify themselves for the consequences that may result from any abuse which such officers may commit in the exercise of their trust.—*Reg.* X. 1819, *Sect.* 21, *Cl.* 7.

Notices to witnesses how to be issued, when such witnesses are employed in the salt manufacture.

30. Notices to officers or other persons employed in the salt manufacture to appear as witnesses, shall be served during the manufacturing season in the same manner as if they were parties in the case, but the Judges are to be careful not to issue notices to such officers, or persons, excepting when their attendance shall be necessary; and on their appearance, to have them examined and dismissed with all practicable dispatch, so that they may be absent from the business of the manufacture as short a time as possible.—*Reg.* X. 1819, *Sect.* 21, *Cl.* 8.

Penalty for the improper application of the foregoing rules by salt Agents and their officers.

31. The Agents, their assistants, uncovenanted European and Native officers are declared liable to be sued in the Dewanny Adawlut, should they apply any of the rules in the preceding clauses of this Section, regarding notices, summonses and warrants issued against persons employed in the manufacture of salt, to persons not bonâ fide so employed; and as the rules, contained in those clauses are intended only to prevent unnecessary interruptions to the manufacture, where it can be avoided without impeding the course of justice, the Judges and Magistrates are empowered in particular cases in which it may appear to them indispensibly necessary for the purposes of justice, to order the personal attendance of any native officer or person in any wise concerned or employed in the salt manufacture, whether he may be a party or a witness in the suit or prosecution, at any time during the manufacturing season, notwith-

The observance of the rules in question may be dispensed with in special cause by the Court of Justice.

standing any thing that may be said to the contrary in those clauses, and to cause process to be executed upon him for that purpose, in the same manner as upon other individuals; but in such cases, the Judges and Magistrates are to record on their proceedings, their reasons for deviating from the provisions contained in the said clauses, which are to be considered as the general rules for issuing and executing such notices, summonses and warrants, and in the notice, summons or warrant, they are to specify that it has been specially ordered to be so executed in virtue of the discretionary power vested in them by this clause, and they are moreover strictly enjoined to refrain from every unnecessary exercise of that power.—*Reg.* X. 1819, *Sect.* 21, *Cl.* 9.

But reasons for the deviation to be assigned.

32. If a decree shall be passed against a native officer, or any person under engagements on account of the salt manufacture, and actually employed in it, and the Court shall order the decree to be enforced at any time between the commencement of Kartic and the end of Assar, recourse may be had to his property, but his person shall not be attached or molested during that period. At the close however of the manufacturing season, the Agent shall be responsible for his appearing before the Court, if required, but the salt, or the advances, or any implements belonging to the Company, which may be in his hands shall not be liable for the decree. But during Sawun, Bhadoon and Assin, and also in the manufacturing season, if the Salt Agent shall signify to the Judge, through an authorized vakeel of the Court, that their attendance is not required in the business of the manufacture, the persons of all such individuals so employed, shall be equally liable with their property for decrees.—*Reg.* X. 1819, *Sect.* 22.

Decrees against native officers and persons employed in the salt manufacture, how to be executed.

SECT. V.

Summary Investigation and Decision of Summary Suits.

33. Summary claims connected with arrears or exactions of rent, shall be preferred in the first instance to the several Collectors of Land Revenue, whose decisions in such cases shall be final, subject to a regular suit, unless the ground of appeal be the irrelevancy of the regulation to the case appealed, on which ground only the Commissioner of Revenue for the division is authorized to receive an appeal, if preferred to him within one

Summary suits declared cognizable by Collectors of land revenue and their decision to be final, subject to a regular suit.

On what ground appealable to the Commissioner of Revenue and how

to be dealt with by him.

month of the date of the summary decision. The Commissioner of Revenue after receiving the appeal, and calling for the proceedings in the case, shall dismiss the same with costs, if the stated ground of irrelevancy shall not appear to be established. If on the other hand the case should appear to be of a nature not properly cognizable as a summary suit under the provisions of this Regulation, the Commissioner of Revenue shall reverse the irregular judgment given by the Collector, and pass such further orders thereupon as he may think just and proper in pursuance of the Regulations in force, which may be applicable to the circumstances of the case.—*Reg.* VIII. 1831, *Sect.* 4.

Collectors competent to determine such suits in any part of the district provided the proceedings be held in public.

34. It shall be competent to the Collectors to hear and determine such suits in whatever part of the district they may occasionally be, or reside, provided that every hearing and decision be in public Cutcherry, or in some other place open to the public, and in the presence of the parties, or of their constituted agents or vakeels, if in attendance.—*Reg.* XIV. 1824, *Sect.* 9.

Judges and Registers of zillah and city Court empowered to hold their proceedings at any place within the jurisdiction of the Court to which they may be attached.

Proviso.

35. The Judges and Registers of the zillah and city Courts are empowered to hold their proceedings in summary suits regarding rent or dispossession from lands, or crops, or disturbance in the possession thereof, at any place within the jurisdiction of the Courts to which they may be respectively attached; provided that the cause of action shall have arisen within the limits of such jurisdiction, and that the zillah or city Judge or Register shall be of opinion that the investigation of the case can be more conveniently conducted at such place than at the sudder station.—*Reg.* II. 1821, *Sect.* 10, *Cl.* 2.

Pleaders of the Courts exempted from attending the trial of summary suits when conducted at a distance from the fixed station of the Judge or Register.

36. The established pleaders of the zillah and city Courts shall not be required to attend the trial of summary suits at a distance from the fixed station of the Judge or Register.—Such suits shall be tried in the presence of the parties, or any persons whom they may duly appoint to be present at the trial on their behalf.—*Reg.* II. 1821, *Sect.* 10, *Cl.* 3.

Rule for admitting defaulters and their sureties to bail.

37. Section 15, Regulation VII. 1799, Section 14, Regulation V. 1800, and Section 32, Regulation XXVIII. 1803, not containing any provisions for admitting alleged defaulters, or their sureties, to bail, whilst the prescribed summary enquiry is depending before the Judge, Register or Collector; the following additional rule is enacted for the guidance of the zil-

lah and city Court in such cases.—*Reg.* XIX. 1817, *Sect.* 16, *Cl.* 1.

38. Whenever a dependant talookdar, kutkinadar, or other under-tenant of land, or his surety may be arrested, on the demand of an arrear of rent, under the summary process authorized by the Regulations specified in the preceding section, and may deny that the arrear demanded or any part of it is owing; and such under-tenant or surety, shall tender sufficient security for his personal attendance during the prescribed summary enquiry; it shall be competent to the Judge to receive such security, and to admit the tenant or surety to bail, until the enquiry directed to be made in such cases by examining the accounts and vouchers of the parties, or by referring the case for adjustment to the Collector of the district, shall be completed, and a decision passed thereupon.—*Reg.* XIX. 1817, *Sect.* 16, *Cl.* 2.

Judge on receiving sufficient security, may during a summary enquiry admit a defaulter or surety to bail.

39. It is further hereby declared competent to a Collector to whom a summary suit may be preferred under the provisions of this Regulation, to reject the same by a Persian order to be written on the back of the petition, to be returned to the party, referring him to a regular suit; and the said Petition shall be received by the Judicial Authorities as a Petition of plaint in like manner as if the claim had been originally preferred to them in the form of a regular suit.—*Reg.* VIII. 1831, *Sect.* 9, *Cl.* 1.

Collectors declared competent to reject a summary suit by a Persian order on the back of the petition, and Judicial authorities authorized to receive such petition as a plaint in a regular suit.

40. Provided, however, that it shall be competent to a Commissioner of Revenue on summary appeal to direct the Collector to receive and decide such suits, as well as to give such general instructions relative to the admission or rejection of suits referring to the matters in question, as local or other circumstances may in his judgment render necessary.—*Reg.* VIII. 1831, *Sect.* 9, *Cl.* 2.

Proviso.

41. No other pleadings shall be required from the parties in such suits than a plaint and answer, provided that if the parties should, at any time, wish to file an amended plaint, or an amended answer, or any explanatory motion, such subsidiary pleadings shall be received.—*Reg.* XIV. 1824, *Sect.* 7.

No other pleadings requisite than a plaint and answer.

42. The mooktarnamas or vakalutnamas, and the pleadings and final decree in such suits, shall be written on stampt paper of the value of eight annas, whatever may be the amount of the suit, and no fees shall be taken on exhibits, tendered in the

Pleadings, &c. to be written on stamp paper of the value of eight annas.

No fees to be

taken on the exhibits.

cause, or for the witnesses required by the parties, nor shall it be necessary for the parties to present a written motion on stampt paper for the filing of such exhibits, or for the summoning of such witnesses.—*Reg.* XIV. 1824, *Sect.* 8.

Value of stamp paper on which summary claims may be preferred to a Collector.

43. Summary claims of the nature above adverted to, which may be preferred to a Collector conformably with Section 4, of this Regulation, shall be written on paper, bearing a stamp of one-fourth the value which would have been required, had the claim been instituted in any Civil Court as a regular suit.

Proviso.

—Provided, however, that the Collector shall have a discretion to receive a complaint on paper, bearing a stamp of eight annas, from any dependant talookdar, farmer, or ryot, if the complainant is bonâ fide unable to pay the price of the prescribed stamp, or if the Collector should, for other reasons, consider the indulgence proper.—*Reg.* VIII. 1831, *Sect.* 7.

Summary enquiry to be made by the Judge upon a party's being brought before him under either of the two preceding clauses.

44. When a defaulter or his surety may be brought to the zillah Court under either of the two preceding clauses, the Judge shall call upon him to answer the demand against him, and if he deny it, or any part of it, shall enter upon a summary enquiry into the merits of it, by examining the vouchers and accounts of the parties: or may refer the case to the Collector of the district for adjustment and report, as he is authorized to do in all causes of rent, and other matters heretofore cognizable in the Courts of mâàl Adawlut, by Section 13, of Regulation VIII. 1794; and as the Judges in general are now required to do, in every cause of this description, which neither themselves or their registers, may be able, from other avocations, to try and determine without delay, and which may not be cognizable by the native Commissioners acting under them. The landholders and farmers are allowed to employ any vakeel they may think proper to appoint, provided he be duly empowered by them, to attend such enquiries, before the Collectors, as well as the summary enquiry directed in this regulation before the Judge.—*Reg.* VII. 1799, *Sect.* 15, *Cl.* 4.

Or case to be referred by him to the Collector for adjustment and report.

Judges required to refer to the Collectors, under Section 13, of Regulation VIII. 1794, all causes heretofore cognizable in the Courts of mâàl Adawlut, which neither themselves or their registers may be able to determine without delay, and which may not be cognizable by the native Commissioners.

The Collector how to be guided in the decision of such suits.

45. In the trial and decision of such suits, the Collector shall be guided by the rules contained in this Regulation, and upon points to which these may not be applicable by the rules prescribed for the guidance of the civil Courts in the trial and decision of summary suits of the same description. The Collector shall also possess the same powers as are vested in the civil Courts for causing the attendance of parties and witness-

The Collector invested with the same powers as the civil Courts in issuing all process.

es, and generally for all process which it may be necessary to issue in such suits, except the execution of decrees, respecting which the following rule is to be observed.—*Reg.* XIV. 1824, *Sect.* 4.

Except the execution of decrees.

46. Such parts of Clause 3, Section 23, Regulation VII. 1822, as relate to the execution of awards in cases where a specific sum of money shall be adjudged to be due, or any cost or damage be awarded, is declared equally applicable to the awards which may be made by Collectors under this Regulation.—*Reg.* VIII. 1831. *Sect.* 20.

The rules for the execution of awards prescribed in Clause Three, Section 23, Regulation VII. 1822, declared applicable to awards of Collectors under this Regulation.

47. Collectors of the land revenue are hereby empowered to execute all awards made by them under the rules of this Regulation, in cases, wherein a specific sum of money shall be adjudged to be due, or any costs or damages be awarded; the Collector decreeing the same shall proceed to levy the amount for the party in whose favour it may be adjudged by the process in use for the recovery of arrears of the Government revenue:—Provided however, that he shall not sell any lands, houses, or other real property in satisfaction of any judgment passed in favour of any individual, on a summary enquiry. In cases wherein possession of lands, houses, water-courses or the like may be adjudged, it may and shall be lawful for the Collector making the award, to deliver over possession in the same manner and with the same powers in regard to all contempts, resistance, and the like, as are or may be lawfully exercised by the Courts in giving possession to an auction purchaser; and the zillah or city Adawluts shall support the Collectors in the exercise of the above power, and shall give effect to any orders passed by them in pursuance of it, in the like manner as if the same had been passed by themselves. Collectors are further hereby empowered to place one or more peons, mirdahs, suwars, or the like, to aid in the maintenance of possession for the party to whom it may be awarded, in case of his deeming such a measure necessary or expedient.—*Reg.* VII. 1822, *Sect.* 23, *Cl.* 3.

Collectors authorized to execute awards made by them.

48. The Judge after receiving the Collector's report, if the case be referred to him for adjustment, or after completing his own enquiry, if it be not so referred, is to discharge the defendant, with full costs and damages, if it appear that no arrear is due from him; or that the arrear demanded has been wilfully misstated by the plaintiff and a considerable proportion of the

In what cases the defendant is to be discharged with Courts and damages.

Defendant to be kept in close custody if the arrear demanded or a considerable proportion thereof be found due from him and to pay costs and interest.

Subsistence allowance to be paid by plaintiff to the defendant whilst in confinement.

demand is not justly due to him. But if it appear that the arrear demanded, or a considerable proportion thereof be justly due from the defendant, he is to be kept in close custody, until he pay the amount, with all costs, and interest on the arrear at the rate of one per cent. per mensem; or until plaintiff make application to the Court for his release. The plaintiff is to pay to such defendants, whilst in confinement, the same allowance for their subsistence as is fixed for other prisoners in the jail of the Dewanny Adawlut by Section 8, of Regulation IV, 1793, viz. such allowances as the Judge may think proper on consideration of the rank and situation of the prisoner not exceeding four annas, nor less than one anna per diem, and the payment is to be made in the same manner, and under the same provisions as prescribed in the above section.—*Reg.* VII. 1799, *Sect.* 15, *Cl.* 5.

Rules in preceding sections applicable to managers of estates of disqualified landholders, and of joint undivided estates, as well as to the officers of Government, holding lands in attachment, or under a khas collection.

49. The rules in the whole of the preceding sections for the recovery of arrear of rent due to proprietors and farmers of land, are to be considered equally applicable to the managers of the estates of disqualified landholders, and of joint undivided estates; as well as to Collectors or other public officers holding lands in attachment for the purpose of adjusting the public assessment on them, or for any other purpose; or making a khas collection on the part of Government, where no settlement has been made with any proprietor or farmer: and the authorized agents of such managers, Collectors, or other public officers, provided they be so commissioned and instructed, are to exercise the same authority as is vested in the agents of proprietors and farmers of land by Section 2, of this Regulation.—*Reg.* VII. 1799, *Sect.* 19.

Provisions in Section 15, as far as applicable, extended to the agents of landholders and farmers whilst in their service or immediately after their resignation or dismission.

50.—The provisions in Section 15, as far as they can be applied, are likewise declared to extend to the sudder and mofussil amlah, or native agents of every description, employed by the landholders and farmers in the management of their estates or farms, or collection of their rents. Any landholder or farmer having demands upon such agents whilst in his service, or immediately after their resignation or dismission from his service, whether for money in their hands, or for accounts which they may refuse to render, or for any matter relating to the discharge of their respective trusts whilst in his employ, may proceed against them for their arrest and confinement in like manner as by Section 15, of this regulation, he is authorized to pro-

ceed against defaulting under-tenants; and the city and zillah Courts and native Commissioners are to take the same measures for the aid of the landholders and farmers in such cases, as they are directed to take for the recovery of arrears, from defaulting tenants.—*Reg.* VII. 1799, *Sect.* 20.

Pleaders employed in summary suits to receive only one fourth of the fee prescribed in regular suits.

51. The vakeels, who may be employed by the respective parties in summary appeals for recovery of arrears of rent or revenue, or for recovering the possession of land, and generally in all other suits and appeals, in which a summary process is authorized by the regulations, are to be allowed for pleading such summary suits, a fee equal to one-fourth of the fee, which they would have received, had such suits been instituted as regular and not as summary suits.—*Reg.* XXVII. 1814, *Sect.* 32.

Security formerly required for the payment of vakeel's fees no longer necessary.

But the amount of the fees to be deposited in Court.

52. Whenever a pleader may have been duly appointed on the part of any plaintiff or appellant in any regular or summary suit instituted in a zillah or city Court, a provincial Court or in the Sudder Dewanny Adawlut, such plaintiff or appellant instead of furnishing security as heretofore required, shall deposit in the Courts a sum equal to the amount of his pleader's fee; according to the rate prescribed in the following section as applicable to regular suits, and in Section 32, as applicable to summary suits, and until such deposit be made no vakeel shall be allowed to do any act in the suit except in the case of paupers, or in other cases specially provided for by the regulations; a similar deposit shall likewise be required from defendants or respondents for the fees of the pleaders, whom they may employ; and until such deposit be made, the vakeels shall not be allowed to plead or to perform any act in the suit on the part of their constituents except in the special cases above-mentioned.—*Reg.* XXVII. 1814, *Sect.* 23, *Cl.* 1.

The parties are competent to appoint any vakeel or representative they may think proper.

53. It shall be competent to the parties in all suits, the cognizance of which is hereby vested in the Collector of Revenue, to employ any agent, vakeel or representative, whom they may think proper to appoint, to act and plead in their behalf, provided such agent, vakeel or representative, be duly empowered

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* The enactments in Par. 51 and 52, relative to the deposit of vakeel's fees, seem to clash with the subsequent enactment, Par. 53 But as I cannot discover that the rules in Reg. XXVII. 1814, have been repealed, I have necessarily given them insertion. Perhaps the enactment in Par. 53, being of a latter date, supersedes the other two rules.

The remuneration of such vakeel to be adjusted between himself and constituent.

by the parties. The rate of remuneration to such agent or vakeel shall be left to be adjusted between himself and his constituent; but no greater sum shall be awarded on this account for costs payable by the party against whom the judgment may be passed than what may be deemed by the Collector a fair equivalent for the attendance of such agent.—*Reg.* XIV. 1824, *Sect.* 6.

SECT. VI.

Regular Suits to contest Summary Suits.

A regular suit may notwithstanding be preferred in the zillah or city Court.

54. Any person who may be dissatisfied with the summary judgment of a Collector passed under this Regulation, and may be desirous of a more full and formal investigation of the merits of the case, shall be at liberty to prefer a regular suit in the local zillah or city Court, and on the institution of such suit the proceedings held on the summary inquiry shall be filed on the record of the regular suit.—*Reg.* XIV. 1824, *Sect.* 10.

Claims rejected on the summary enquiry may be also sued for in the Dewanny Adawlut.

Judgment to be given if such claims be established on the regular suit.

55. Proprietors and farmers of land, whose claims to arrears of rent may be rejected by the zillah Judge, on the summary enquiry directed in Section XV. of this regulation, are also at liberty to institute a regular suit in the Dewanny Adawlut for the recovery thereof; and if, on trial, the amount claimed by them shall be found to have been due when the summary judgment was given against them in the first instance, they shall be entitled to receive back any sums paid by them for costs or damages under such judgment, and to a decree from the zillah Court for the arrears of rent due to them, with interest at the rate of one per cent. per mensem, and full costs incurred by them as well on the summary inquiry, as on the regular suit. —*Reg.* VII. 1799. *Sect.* 17.

Admission of regular suit to contest summary awards of Revenue Authorities, restricted to one year from date of Collector's decision.

56. The existing Regulations not providing any limited period beyond which the investigation of a regular suit to contest the justice of a summary award, in matters connected with arrears or exactions of Rent, shall be admitted, it is hereby declared, that the admission of regular suits to contest the summary awards of the Revenue authorities in such matters, shall be restricted to the period of one year from the date of the delivery or of the tender to the party against whom the award is made, of the Collector's decision.—*Reg.* VIII. 1831, *Sect.* 6.

Summary judgments under Sec-

57. That no doubt may be entertained whether the summary judgments which the zillah Courts are authorized to pass un-

der Section 15, of this Regulation, are open to appeal to the provincial Courts of appeal, it is hereby declared, that they are not subject to appeal; as any person considering himself aggrieved by them can have his remedy by a regular suit in the Dewanny Adawlut, as above pointed out. It is also declared that no institution fees or fees upon exhibits, are to be levied on the summary processes authorized by the Section above-mentioned; but the rules in Regulation 6, 1797, and in any other Regulation relative to stampt paper, are to be considered applicable to the processes in question, as in all other cases wherein stampt paper is required to be used, whether for original papers or for copies.*—*Reg.* VII. 1799, *Sect.* 18.

tion 15, not open to appeal.

Institution fee and fee on exhibits, not to be levied on summary processes; but rules concerning stampt paper applicable to them.

58. Provided moreover, that in all cases of appeal, the records of cases which can be ascertained to have been decided concerning the same cause of action and regarding any matter cognizable under this Regulation, shall be produced and read, and that the decision in appeal shall be considered to be equally applicable to all such suits though not appealed. Provided however, that in all such cases due notice shall be given to the parties concerned, to attend either in person or by vakeel to prosecute or defend their several interests.—*Reg.* VIII. 1831, *Sect.* 17.

In cases of appeal the records of all cases in the same matter to be produced and read and the decision in appeal to apply equally to all.

Proviso.

59. The rules contained in Section 31, Regulation VII. 1822, are hereby applicable to the decisions passed by Collectors under the provisions of this Regulation.—*Reg.* VIII. 1831, *Sect.* 19.

Rules in Section 31, Regulation VII. 1822, declared applicable to decisions of Collectors under this Regulation.

60. Whenever a regular suit may be instituted in a civil Court, with a view to set aside or alter a summary judgment passed by a Collector, the proceedings held on the summary inquiry shall be called for by precept from the Court, and filed on the record of the case.—*Reg.* VII. 1822, *Sect.* 31, *Cl.* 1.

On appeal to a Court against the decision of a Collector, the proceedings held by that officer shall be called for and filed in the case.

61. In modification of Section 19, Regulation VIII. 1831, regular suits instituted to set aside the summary judgments of Collectors for land rent are declared cognizable, according to their amount, by the principal Sudder Ameens, and Moonsiffs. —*Reg.* VII. 1832, *Sect.* 19.

Regular suits instituted to set aside summary awards of Collectors for land rent declared cognizable by Principal Sudder Ameens, Sudder Ameens, and Moonsiffs.

* The rules for stampt paper, which have been subsequently revised, will be found at the end of this compilation.

Persons confined under fifth clause of preceding section, may institute a suit in the Dewanny Adawlut.

Judgment to be passed if the arrear denied by them be not due.

62. Persons confined under the fifth clause of the preceding section, and desirous of bringing the demand upon them to a regular judicial investigation and decision in the Dewanny Adawlut, are at liberty to institute a suit against the landholder or farmer, at whose instance they may have been confined, for this purpose; and should the amount denied by them be found upon trial not to have been due, they shall receive a judgment for full costs and damages against the party by whom it may have been claimed. They shall also be entitled to a similar judgment, with interest at the rate of one per cent. per mensem, upon the amount paid by them, and found not to have been justly due from them, if they shall discharge the demand upon them with a view to obtain their release from arrest, or from subsequent confinement under the preceding section and shall afterwards, on a suit in the Dewanny Adawlut for recovery of the amount so paid, establish that it was not due from them at the time of the demand.—*Reg.* VII. 1799, *Sect.* 16.

Or if the demand be discharged by them and afterwards found not due.

SECT. VII.

Of two Suits touching the same matter instituted in different Courts.

Rules to be observed in cases of two or more suits being instituted regarding the same matter, cognizable under this Regulation.

63. Inconvenience having been experienced from the circumstance of two or more claims regarding the same matter having been preferred to different tribunals, it is hereby provided that if it should be brought to the notice of the Judge, that a suit regarding any matter cognizable under this Regulation is pending in his or in any of the Courts subject to his control in a matter regarding which a suit had been previously instituted before the Collector, the Judge shall direct such suit to be transferred to the Collector, who in such case is authorized and required to decide both suits.—*Reg.* VIII. 1831, *Sect.* 14.

Collectors on ascertaining that in any matter pending before them under this Regulation, a regular suit has been previously filed before the Judge, will suspend his proceedings and forward the record to the Judge.

64. In like manner, if it be brought to the notice of the Collector, that a suit is pending before him in a matter regarding which a regular suit has been previously filed in the Judge's Court, he shall suspend his proceedings, and forward the record of the case to the Judge, who will make over both cases to some tribunal subject to his authority, or dispose of the cases himself.—*Reg.* VIII. 1831, *Sect.* 15.

All judicial authorities to endeavour to bring be-

65. It shall further be the duty of the Judge and of all the judicial authorities subject to his control, in all practicable cases,

to refer suits concerning the same cause of action and regarding any matter cognizable under this regulation to be decided by one and the same tribunal, and the subordinate judicial authorities are required to suspend their proceedings and to submit them to the Judge, whenever they may have reason to know that another case concerning the same matter, relating to arrears or exactions of rent, is pending before another Court, or as a summary suit before the Collector.—*Reg.* VIII. 1831, *Sect.* 16.

fore one Court all cases relating to the same matters cognizable under this Regulation.

SECT. VIII.

Rights and Authority of Landholders in Collecting Rents.

In what cases proprietors and farmers of land may attach the farm, jote, or other tenure of their defaulting tenants and collect therefrom the arrears of rent due to them with interest.

66. When an under-farmer, jotedar, or other under-tenant, arrested as above described, shall not immediately discharge the arrear demanded from him, and shall in consequence be taken in custody to the Judge of the Dewanny Adawlut, the proprietor or farmer of land, to whom such arrear may be owing, is at liberty to attach the farm, jote, or other tenure of such defaulter, and to manage the same by his own agents, or in such manner as he may think proper, until the rent due to him, with the further rent that may become due after the attachment, and interest upon the whole arrear at the rate of one per cent. per mensem, shall have been liquidated from the produce. But in such cases of attachment, the proprietor or farmer making the same shall not exact more from the cultivators of the soil, and other descriptions of inferior tenantry, whose rents for the current year may have been payable to the defaulter, than the defaulter himself would have been entitled to receive from them if the attachment had not taken place, (cases of collusion and illegality under the regulations excepted;) and in the event of the defaulter making good the arrear due from him, with interest at the rate of one per cent. per mensem, at any time within the current year, the attachment shall be immediately withdrawn, and a full and fair account rendered to him of all receipts and disbursements during the continuance of it.—*Reg.* VII. 1799, *Sect.* 15, *Cl.* 6.

Restriction against undue exactions from the cultivators of the soil and other inferior tenantry in such cases.

Attachment to be withdrawn on payment of the arrear due with interest at any time within the current year. And a fair account rendered of all receipts and disbursements.

Benares Reg. V. 1800, Sect. 14, Cl. 6.

Ceded Prov. Reg. XXVIII. 1803, Sect. 32, Cl. 6.

67. If the arrear be not liquidated within the current Bengal, Fussily, or Willaity year (according as the place may be

What further measures may be taken by the land-

holders and farmers for the security of their future rents if the arrears due to them be not liquidated within the current year.

situated in the province of Bengal, Behar, or Orissa,) either by the payments of the defaulter or his surety, or by the attachment of his tenure, the zemindar or other proprietor of the land, or the farmer in whose farm the defaulter's tenure may be included, (if such farmer's lease extend beyond the current year) is at liberty, at the commencement of the ensuing year, to make such provision for the future receipt of the rents payable to him from the land tenanted by the defaulter, as he may judge proper and may be consistent with the rights of all other persons concerned. If the defaulter be an under-farmer for the past year only, or whose lease may have expired with the past year, he can, of course, have no claim to any further lease; and although his lease may not have expired, if he shall have neglected to fulfil the conditions of it by the payment of his stipulated rent, it must be considered liable to be annulled, or otherwise, at the option of the lessor. If the defaulter be a dependant talookdar or the holder of any other tenure which, by the title deeds or established usage of the country, is transferrable by sale or otherwise, it may be brought to sale, by application to the Dewanny Adawlut, in satisfaction of the arrear of rent; and the purchaser will become the tenant for the new year: or if the defaulter be a leaseholder or other tenant, having a right of occupancy only so long as a certain rent, or a rent determinable on certain principles according to local rates and usages, be paid; without any right of property or transferrable possession; the proprietor of whom such tenure is held, or the farmer or other person to whom such proprietor may have leased or committed his rights, must be understood to have the right of ousting the defaulting tenant from the tenure he has forfeited by a breach of the conditions of it. In such cases (viz. in the several cases enumerated in this clause, under the stated exception when a sale of landed property may be desired,) proprietors and farmers of land are at liberty to exercise the just powers appertaining to them, without any previous application to the Courts of Justice; but they will be held responsible for all acts done by them, or by their agents, which may exceed their just powers, and infringe the rights of under-tenants of whatever description, whether founded on pottahs or other written deeds and engagements; or on long prescription and established local usage. This Regulation is not meant to define or limit the actual rights of any

Defaulting under-farmers whose leases may have expired can have no claim to any further lease.

And although their leases may not have expired neglect to pay the stipulated rent subjects the farms of this description of defaulters to be annulled at the option of the lessor.

If the defaulter be a dependant talookdar or the holder of any other transferrable tenure, it may be brought to sale for the arrear by application to the Dewanny Adawlut.

Or if the defaulting tenant have a right of occupancy only depending on the payment of a certain rent, he may be removed from the tenure he has forfeited by a breach of the condition of it.

Proprietors and farmers of land at liberty to exercise their just powers in the cases herein stated without previous application to the Courts of Justice.

But will be held responsible for all acts done by them or their agents beyond their just powers, infringing the rights of their under-tenants of whatever description.

This regulation

description of landholders or tenants; which can be properly ascertained and determined by judicial investigation only; but merely to point out in what manner defaulting tenants may be proceeded against in the event of their not paying the rents justly due from them; leaving them to recover their rights if infringed, with full costs and damages, in the established Courts of Justice, under the provisions already stated in this Regulation for bringing such cases to a determination with the least possible delay.—*Reg.* VII. 1799, *Sect.* 15, *Cl.* 7.

not intended to define or limit the rights of any description of landholders or tenants; but merely to point out in what manner defaulting tenants may be proceeded against; leaving them to recover their rights if infringed, with costs and damages, in the Courts of Justice.

Benares Reg. V. 1800, Sect. 14, Cl. 7.

Ceded Prov. Reg. XXVIII. 1803, Sect. 32, Cl. 7.

68. In like manner, in all other instances, the Courts of Justice will determine the rights of any description of landholder and tenant, when regularly brought before them; whether the same be ascertainable by written engagements; or defined by the laws and regulations; or depend upon general or local usage, which may be proved to have existed from time immemorial; but it is hereby declared that no part of the existing Regulations was meant to deprive the zemindars and other landholders of the power of summoning, and if necessary, compelling the attendance of their tenants for the adjustment of their rents; or for any other just purpose, or of measuring any land within their respective estates which may be liable to measurement under the conditions upon which such land may have been leased or held. For the just exercise of such rights and powers the landholders are not required to make any previous application to the Courts of Justice; and any person opposing them therein will, on proof in the Dewanny Adawlut, be liable to full damages and all costs; besides being subject, for any breach of the peace, to prosecution and punishment in the criminal Courts. But the landholders, their agents and representatives, will be held answerable for any abuse, or unjust exercise of the powers hereby declared to be vested in them, and on proof thereof by the party aggrieved in the Dewanny Adawlut, will be liable to full costs and damages; besides a fine to Government if the case shall appear to deserve it. The execution of specific engagements and delivery of receipts for payments, in all instances will tend most to the security of the landholders and their tenants, in removing all doubt of the exact terms of agreement between them; or of the amount paid and due; and the provisions in Regulation

The Courts of Justice in all other instances to determine the rights of every description of landholder and tenant when regularly brought before them.

Explanation that no part, of the existing regulations was meant to deprive the landholders of the power of causing the attendance of their tenants for the adjustment of their rent; or for any other just purpose, or of measuring any land liable to measurement under the conditions on which it may be tenanted.

Penalty for any opposition to the landholders in the just exercise of these rights.

Also for any abuse or unjust exercise of the above powers by the landholders, their agents or representatives.

Execution of specific engagements and delivery of receipts for payments as directed in Regulation VIII. 1793, the best security both

to landholders and tenants.

And the provisions in that Regulation to be pointed out to them by the Courts of Justice and Collectors on every proper occasion as their mutual safeguard against exaction and evasion.

VIII. 1793, for this purpose, are to be pointed out to them, by the Courts of Justice, as well as by the Collectors, on every proper occasion, as their mutual safeguard against all undue demands on the one side, and evasions on the other, which the rules in that Regulation were expressly enacted to prevent. —*Reg.* VII. 1799, *Sect.* 15, *Cl.* 8.

Benares Reg. V. 1800, Sect. 14, Cl. 8.

Ceded Prov. Reg. XXVIII. 1803, Sect. 32, Cl. 8.

Doubts in the construction of Section 15, Regulation VII. 1799, stated.

69. Doubts have been entertained with respect to the intent and meaning of such part of Section 15, Regulation VII. 1799, as regards the power of attaching the lands of a defaulter, particularly whether the attachment can be made in case the dustuk be not served on the person of the under-tenant from whom the arrear of rent is claimed: moreover it has not been provided in any part of the rules above-quoted, nor in any subsequent regulation, whether or not a decree can be passed after summary investigation of an arrear claimed, in case the process by dustuk, shall not have been served on the defaulter. In consequence of these doubts and omissions, under-tenants falling in arrear have been encouraged to make it a practice to evade the process by dustuk, in the confidence that if successful in concealing themselves for a time, the person to whom the rent is due will lose the benefit of his summary application, and be referred to a regular suit, as the only means of recovering his dues, or of obtaining such a judicial award as will enable him to proceed against the property of the debtor. In order to remedy the evils arising from the practise above described, the following rules have been enacted, in explanation and modification of the rules of Section 15, Regulation VII. 1799.—*Reg.* VIII. 1819, *Sect.* 18, *Cl.* 1.

And their effects.

After summary suit lodged.

70. Under the existing rules, proprietors, talookdars or farmers, are entitled, with or without making a previous demand upon the under-tenant, to institute a summary suit for any arrear which may be claimed to be due, and to obtain the issue of a process of arrest against the defaulter. It is hereby further provided, that, when a summary suit for arrears alleged to be due, may have been instituted against a talookdar or against a farmer, or against the holder of any other intermediate tenure between the zemindar and the actual cultivators, it shall be competent to the party who may have instituted such suit (whether the alleged defaulter shall have been arrested or

not,) to send a sezawul of his own authority to attach and collect the rents of the actual cultivators immediately from themselves: provided however, that such power of attachment shall not be exercised, unless the arrear of rent claimed in the summary suit, shall have been actually due for one entire month before the date of attachment, and shall not be less in amount than the entire kist of the month, on account of which the arrear may be claimed.—*Reg.* VIII. 1819, *Sect.* 18, *Cl.* 2.

The right of attaching talooks, farms and similar tenures declared.

With proviso.

71. After process of arrest may have been taken out in the usual form, if the return of the nazir be, that after diligent search the party cannot be found, it shall be optional with the plaintiff to move the Court by his vakeel or authorized agent to solicit a postponement of the case for a month, in order to cause another process to be served at any time in the course of it, that may afford the chance of securing the person of the defaulter, and then to have a notice issued and the case brought to judgment; or to cause a proclamation to be made without such postponement, that after fifteen days from the date of notice, the Court will proceed to summary investigation of the balance, and in case of the non-attendance of the defendant, will pass judgment summarily upon the documents and proofs that may be exhibited by the plaintiff exparte.—*Reg.* VIII. 1819, *Sect.* 18, *Cl.* 3.

Summary decree to pass exparte in case of return non-inventus.

Form to be observed.

72. When any arrear may be adjudged to be due in the manner above provided, the zemindar or other plaintiff in the suit shall be at liberty to cancel of his own authority any lease, farm or other limited interest intermediate between himself and the actual cultivator, on account of which the rent may have been claimed; but no summary award for arrears shall be considered to warrant the subjecting real property belonging to the defendant, in such an action, to sale in execution, except in cases in which the balance may be due on account of a talook of the description noticed in Section 3, of this regulation, or of any other talook which may have been declared by the Regulations to be liable to sale for arrears; such talook will of course be liable to be sold for the arrears which may have accrued upon it, in the mode prescribed; but if the zemindar or other plaintiff should be desirous of having any other estate, or house, or landed property of a defaulter, brought to sale in satisfaction of his claim of rent, it will be necessary for him to institute a regular suit for the purpose, not-

After summary decree zemindar may cancel farms and the like.

No exception against separate real property.

withstanding the existence of the summary award in his favour. —*Reg.* VIII. 1819, *Sect.* 18, *Cl.* 4.

Tenures of ryots not to be attached or cancelled for arrears.

73. The provisions contained in the second and fourth clauses of this Section, so far as they relate to the power of attaching and cancelling (under the circumstances therein described) the leases, farms or other limited interest of persons holding intermediately between the proprietor and the actual cultivator, are hereby declared not to extend to khoodkhast ryots or other resident cultivators of the soil.—For any arrears which may be alleged to be due from those classes of persons, the party claiming them may proceed at any time during the year by distraint or by process of arrest and summary suit, under the existing rules; proprietors, talookdars or farmers, however, to whom an arrear of rent may be due at the end of the year from any khoodkhast ryot or other resident cultivators of the soil, are at liberty to institute a summary suit to establish the existence of such an arrear, taking out process of arrest in the usual form.—If the defendant shall not attend or cannot be arrested, the forms of process and proceeding prescribed in the Third Clause of this Section, shall be considered to be applicable to the case, and any summary judgment previously obtained on account of rent of the year just closed, shall be received as evidence of such arrear, upon the plaintiff's shewing that the judgment in question has remained unexecuted.—If an arrear shall be adjudged by the Court to be due, and the amount shall not be immediately paid into Court, the plaintiff shall be authorized by the Court to make such new arrangement as he may judge proper for the future management of the lands in question.—*Reg.* VIII. 1819, *Sect.* 18, *Cl.* 5.

Except by summary suit at the end of the year.

SECT. IX.

Vexatious Complaints and Summonses.

The Courts of Justice to discourage and punish unfounded complaints against persons attaching property or officers employed in collecting the rents; as well as their being summoned as witness merely to create embarrassment and delay in the collections

74. It being a frequent practice with the under-tenants to lodge unfounded complaints in the Foujdarry Adawlut against persons attaching their property, as well as against the whole of the officers employed in collecting their rents, and likewise to cause their being summoned as witnesses in causes with the merits and circumstances of which they are totally unacquainted for the sole purpose of creating embarrassment and delay in the collection of the rents, the Courts of Jus-

tice are required at all times to discourage and punish such culpable practices as far as the powers vested in them by the regulations may admit. Section 10, of Regulation IX. 1793,* is to be strictly enforced in all cases of litigious and unfounded complaints, of the nature herein referred to, before the Magistrate, and in instances of the zemindary officers or others employed in the collections being improperly summoned, as witnesses in the civil Courts, the party who summoned them should be compelled, under Section 6, Regulation IV. 1793, to make them such allowance for their expenses as may be sufficient for their full indemnification. It is further hereby declared, that if any person shall wantonly, and without good cause, be the means of summoning to the Courts of Justice, civil or criminal, the principal officer, or any officer engaged in collecting the rents of any zemindar, talookdar, or other landholder or farmer of land, and a loss of rent, or other evident damage, shall be sustained by the landholder, or farmer, in consequence of such wanton and unnecessary summons,

Section 10, Regulation IX. 1793, and Section 6, of Regulation IV. 1793, to be strictly enforced in such cases.

Compensation to be adjudged also with all costs of suit, for any loss or damage sustained by the wanton unnecessary summons of any officer engaged in collecting the rents.

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* Where the complaints specified in Sections 8 and 9, shall appear to the Magistrate to be litigious, vexatious, or groundless, he is authorized to punish the complainant, by fine or imprisonment, under the limitations and restrictions prescribed for the punishment of the offences specified in Section 8.—*Reg.* IX. 1793, *Sect.* 10.

Punishment to be inflicted on the complainants in the cases specified in Section 8 and 9, whose complaints are proved to be litigious, vexatious, or groundless.

The Magistrates are empowered to hear and determine, without any reference to the Courts of Circuit, all complaints or prosecutions brought before them, for petty offences, such as abusive language, calumny, inconsiderable assaults, or affrays, and to punish the offender, when convicted, by committing him to prison for a term not exceeding fifteen days, or by imposing a fine upon him, but the fine is in no case to exceed the sum of fifty Sicca Rupees, unless the offender be a zemindar, independant talookdar, or other actual proprietor of land, paying an annual revenue to Government of more than ten thousand Sicca Rupees, or a proprietor of ayma land, paying a quit revenue to Government exceeding five hundred Sicca Rupees per annum, or of lakheraje land, the annual produce of which may be above one thousand Sicca Rupees in which cases such offender shall be liable to a fine not exceeding two hundred Sicca Rupees. The Magistrate is to fix the amount of the fine, under the limitations prescribed, upon a due consideration of the nature of the case, and the situation and circumstances in life of the offender.—*Reg.* IX. 1793, *Sect.* 8.

Misdemeanours which the Magistrates are authorized to try.

And the punishment which they are empowered to inflict for such offence.

an action shall lie against the party who caused the summons, for such loss or damage, and on proof thereof in the Dewanny Adawlut, or before the native Commissioners appointed under Regulation XL. 1793, if the case be cognizable by them, the party injured shall be entitled to recover the amount with all costs of suit.—*Reg.* VII. 1799, *Sect.* 12.

SECT. X.

Collector's Reports.

In furnishing periodical reports and other duties under this Regulation, Collectors to be guided by the instructions of the Revenue Commissioners and the Sudder Board.

75. In furnishing Periodical Reports of suits decided and depending which may have been instituted under this regulation, and generally in the performance of other duties connected with its provisions, the several Collectors shall be guided by the instructions which they may receive from the Revenue Commissioners or the Sudder Boards of Revenue.—*Reg.* VIII. 1831, *Sect.* 18.

Rules regarding Distraint.

SECT. I.

Defaulter and his Surety.

1. Under-farmers, ryots, and dependant talookdars, shall not be considered to have defaulted until the arrears have been ineffectually demanded from them, and also from their surety, if they shall have given security and the surety shall be forthcoming; and when as the last resource, an attachment shall be issued against the property of a defaulter, the responsibility of the surety shall not be thereby in any degree diminished.—*Reg.* XVII. 1793, *Sect.* 5.

When under-farmers, &c are to be considered to have defaulted.

Sureties not exonerated by the distraint of the property of defaulters.

2. Such part of Section 5, Regulation XVII. 1793, as enacts that "under-farmers, ryots, and dependant talookdars, "shall not be considered to have defaulted until the arrears "have been ineffectually demanded from them, and also from "their surety if they shall have given security and the surety "shall be forthcoming" is hereby rescinded; and under-tenants of every description are to be considered defaulters, for any arrears of rent withheld beyond the day on which the same may have become payable according to their kistbundies, or other engagements, or where there may be no written specification of the exact term of payment, beyond the period when the rent demandable from them may be payable according to established local usage. For all such arrears which may not be paid on demand, defaulters are declared liable to immediate distress whether the amount shall have been demanded from their sureties or otherwise. In instances wherein the distrainer may proceed to levy distress from an under-tenant, who has given security, without having previously demanded the arrear from the surety, it will be incumbent on the tenant to give notice of the distress to his own surety so as to enable him to discharge the arrear before the sale of the property attached; or the distrainer, if he think proper, may give notice to the surety and

Part of Section 5, Regulation XVII. 1793, rescinded.

Under-tenants to be considered defaulters for any arrears of rent withheld beyond the day on which they become payable.

For such arrears not paid on demand, defaulters liable to distress.

Tenant to give notice of distress to his surety.

Or distrainer may give notice to the surety and require payment from him.

Distrainer may also at his option distrain property of surety.

Or the property of both the defaulter and his surety; so that the distress be not excessive.

Provided the arrear be first demanded from the defaulter if forthcoming.

require him to make payment of the arrear. The distrainer may also, at his option, distrain in the prescribed mode either the property of the defaulter or his surety, or the property of both, so that the whole distress be not excessive in proportion to the arrear; but no distress shall be levied on the property of the surety until the arrear shall have been ineffectually demanded from the defaulter; unless the latter shall have absconded or be otherwise not forthcoming; in which case and in the event of the surety's not discharging the amount due on demand, distress may be levied from his property for the recovery of it, in like manner as if the defaulter had been present and served with the demand in the first instance.—*Reg.* VII. 1799, *Sect.* 3.

Benares Reg. V. 1800, Sect. 3.

Ceded Prov. Reg. XXVIII. 1803, Sect. 5.

Persons who under the names of sureties farm or tenant lands in the name of others, to be considered the actual ryots or farmers of such lands.

3. Persons who tenant or under-farm lands in the name of their children, dependants, or others, or in the names of fictitious persons, and give themselves as the ostensible sureties for the performance of the agreement, but retain the actual management of the lands, and in fact are themselves the under-farmers or ryots of such lands, shall to all intents and purposes, be considered as the under-farmers or ryots of such lands, and their property shall be liable to be distrained and sold for arrears under this regulation, in the same manner as if the engagement for the lands had stood in their own names.—*Reg.* XVII. 1793, *Sect.* 27.

Benares Reg. XLV. 1795. Sect. 25.

Ceded Prov. Reg. XXVIII. 1803, Sect. 25.

SECT. II.

Power to Distrain, and Penalties for Abuse.

What persons may distrain. Whose and what property is liable to distraint and sale.

4. Zemindars, independant talookdars and other actual proprietors of land, and farmers of land who hold their farms immediately of Government, are empowered to distrain without sending notice to any Court of Justice or any public officer (excepting the after notice directed to be given in the cases of defaulters employed in the provision of the Company's investment, or the manufacture of salt as specified in Section 31,) the crops and products of the earth of every description, the grain, cattle, and all other personal property whether found

in the house or on the premises of the defaulter, or in the house, or on the premises of any other person within or without the limits of the estate or farm of the distrainer, belonging to their under-renters and ryots, and the talookdars paying revenue through them, for arrears of rent or revenue, and to cause the said property to be sold for the discharge of such arrears. The same powers are likewise vested in dependant talookdars for the recovery of arrears of rent from their under-farmers and ryots, and also in under-farmers who farm lands from zemindars, independant talookdars, or other actual proprietors of land, or dependant talookdars, or farmers of land who hold their farms immediately of Government, to enable such under-farmers to enforce payment of arrears of rent or revenue from their ryots, under-farmers, or dependant talookdars. The several descriptions of landholders and farmers of land above specified are to exercise the powers hereby vested in them under the following rules and restrictions.—*Reg.* XVII. 1793, *Sect.* 2.

Benares Reg. XLV. 1795, Sect. 2.

Ceded Prov. Reg. XXVIII. 1803, Sect. 2, Cl. 1.

Landholders and farmers empowered by Section 2, of Regulation XVII. 1793, to distrain for arrears of rent, authorized to delegate this power to their agents.

5. The zemindars, talookdars, and other landholders, and farmers of land, empowered by Section 2, of Regulation XVII. 1793, to distrain the crops, cattle, and other personal property of their under-tenants for arrears of rent, are authorized to delegate to their naibs, gomastahs, and other agents, employed in the collection of their rents, the power of distraining in their behalf in the mode prescribed by the Regulations, under the responsibility declared in Section 32, of Regulation XVII. 1793, and the naibs, gomastahs, and other agents, to whom such power may be delegated by their principals, are authorized to proceed for the recovery of arrears of rent due to their constituents in the same manner as the latter are authorized to proceed, subject to their own responsibility in addition to that of their principals, for any wilful deviation from the Regulations: but it is hereby declared that neither the landholders and farmers themselves or their agents, are to be made liable to the penalties prescribed for a deviation from any part of Regulation XVII. 1793, or of Regulation XXXV. 1795, or of any other regulation relative to the distraining for land-rents, unless such deviation shall clearly appear to have been wilful and intentional, or to have proceeded from gross neglect and inattention to the rules prescribed for their guid-

Agents to whom such power may be delegated, authorized to levy distress for arrears of rent due to their constituents.

Subject to their own responsibility in addition to that of their principals.

Neither landholders, farmers, or their agents, liable to prescribed penalties except in cases of wilful deviation from, or gross neglect of, the regular process for distraining.

Where no wilful deviation or gross neglect may appear, satisfaction for actual damage only to be adjudged.

And not this if distrainer can show that he tendered sufficient amends.

ance. Where no such wilful deviation or gross neglect shall appear, satisfaction to the party aggrieved for the actual damage sustained by him, from the prescribed process not having been strictly adhered to, shall alone be adjudged against the distrainer; nor shall any judgment be given for such damages if the distrainer can show that he tendered sufficient amends to the party injured as soon as the irregularity in his proceedings was discovered, or at any time before the action for damages was brought against him, and that such tender was refused.—*Reg.* VII. 1799, *Sect.* 2.

Benares Reg. V. 1800, Sect. 2.

Ceded Prov. Reg. XXVIII. 1803, Sect. 2, Cl. 2.

Heirs and successors of landholders and farmers to distrain for arrears due to the deceased, if entitled thereto.

6. Upon the death of any person vested with the power of distraint by this Regulation, his heirs or successors who may be entitled to the arrears due to him, shall be at liberty to distrain the property of the defaulters, and their sureties in the cases authorized, for the recovery of the same, agreeably to this Regulation.

Managers of estates of disqualified landholders, and managers of undivided estates vested with the power of distraint.

It is to be understood likewise, that managers of the estates of disqualified landholders, and managers of undivided estates belonging to two or more proprietors, all of whom do not come within th description of disqualified landholders, are authorized to exercise the same powers for the recovery of arrears of rent or revenue, as the proprietors of the estates committed to their charge would be entitled to exercise under this Regulation, were they to be entrusted with the management of their own estates, subject however to the several rules, restrictions, and penalties therein specified.—*Reg.* XVII. 1793, *Sect.* 30.

Benares Reg. XLV. 1793, Sect. 28.

Ceded Prov. Reg. XXVIII. 1803, Sect. 28.

Rules in preceding sections applicable to managers of estates of disqualified landholders, and of joint undivided estates, as well as to the officers of Government holding lands in attachment, or under a khas collection.

7. The rules in the whole of the preceding Sections for the recovery of arrears of rent due to proprietors and farmers of land, are to be considered equally applicable to the managers of the estates of disqualified landholders, and of joint undivided estates; as well as to Collectors or other public officers holding lands in attachment for the purpose of adjusting the public assessment on them, or for any other purpose; or making a khas Collection on the part of Government, where no settlement has been made with any proprietor or farmer: and the authorized agents of such managers, Collectors, or other public officers, provided they be so commissioned and instructed, are to exer-

cise the same authority as is vested in the agents of proprietors and farmers of land by Section 2, of this Regulation.—*Reg.* VII. 1799, *Sect.* 19.

Benares Reg. V. 1800, Sect. 18.

Ceded Prov. Reg. XXVIII. 1803, Sect. 36.

Principals responsible for the acts of their agents.

8. If any gomastah, agent, servant, or officer of any person vested with the power of distraint, shall attach or cause to be sold the property of any under-farmer, ryot, or dependant talookdar, or their sureties, or do any act in the attachment or sale of it contrary to this Regulation, the party aggrieved shall have his remedy against the principal of the offender for such illegal attachment, sale or act, whether the same took place or was done by the orders or with the knowledge of such principal or not. Provided that nothing contained in this section shall extend to subject a distrainer to imprisonment in the event of any person deputed by him to attach property, entering the zenana, or apartments of women, or breaking open a dwelling-house in opposition to the prohibition contained in Section 21, unless it shall be proved that such acts were done by the order or with the consent or knowledge of such distrainer.—*Reg.* XVII. 1793, *Sect.* 32.

Benares Reg. XLV. 1795, Sect. 29.

Ceded Prov. Reg. XXVIII. 1803, Sect. 29.

Landholders and farmers prohibited confining or inflicting corporal punishment on defaulters or their sureties.

9. Landholders and farmers of land are prohibited confining or inflicting corporal punishment on any under-farmer, ryot, or dependant talookdar, or their sureties, to enforce payment of arrears of rent or revenue. If any landholder or farmer shall offend against this prohibition, the person so punished or confined, shall be at liberty either to prosecute the offender for assault or imprisonment in the criminal Court, or to institute a suit against him in the Dewanny Adawlut of the zillah, which Court shall award damages against such offender, according to the circumstances of the case, with costs of suit.—*Reg.* XVII. 1793, *Sect.* 28.

Benares Reg. XLV. 1795, Sect. 26.

Ceded Prov. Reg. XXVIII. 1803, Sect. 28.

Penalty for attaching property if no arrear be due.

10. If any person vested with the power of distraint shall attach, or cause to be sold the property of any under-farmer, ryot, or dependant talookdar for arrears of rent or revenue, and it shall appear upon trial that no arrear was due, the distrainer shall be compelled to restore the property to the owner, or to make good to him the value of it, if it shall have been

sold, damaged, injured or destroyed, or shall not be forth coming, and to pay to him as damages a sum adequate to the value of such property and all costs of suit.—*Reg.* XVII. 1793, *Sect.* 6.

Benares Reg. XLV. 1795, Sect. 6.

Ceded Prov. Reg. XXVIII. 1803, Sect. 6.

SECT. III.

Rules for Attachment.

Distrainers to furnish the person they may depute to distrain with a writing specifying the amount of the arrear and the date on which it became due.

Bengal, Behar, Orissa, Benares.

Copy of the writing, with list of the property distrained, name of the place where it is lodged, and notice that it will be sold, indorsed thereon, to be delivered to the defaulter or left at his place of residence in case of his absence.

11. Distrainers shall deliver to the person whom they may depute to attach the property of a defaulter, a writing under their seal and signature specifying the amount of the arrear for which the attachment may be issued, and the date on which such arrear became due. The person so deputed shall produce this writing as his authority for making the attachment, and on the day on which he may attach the property, shall deliver a copy of it to the stated defaulter, endorsing thereon a list or inventory of the property attached, and the name of the place where it may be lodged or kept, with a notice that it will be sold on the 15th day commencing from the day following the day on which the attachment took place; or if the property attached shall consist of crops or other ungathered products of the earth, within fifteen days calculating from the day following the day on which such crops or products may be stored as directed in Section 13, unless the arrear and expenses of the attachment shall be previously discharged.—If the defaulter shall be absent, a copy of the above writing with the prescribed endorsement shall be fixed up or left at his usual place of residence before the expiration of the third day calculating from the day of the attachment.

Penalty.

If any person vested with the power of distraint shall cause any property to be attached without furnishing the agent whom they may employ for that purpose with the writing above directed, or if such agent shall be furnished with the writing prescribed, and shall omit to deliver a copy of it with the required endorsement to the defaulter; or, in the event of his absence, to leave such copy at his usual place of residence within the period limited, the distrainer shall not be entitled to recover the arrear for which the distress may have been levied, and he shall be compelled to restore the property to the defaulter, or the

value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay all costs of suit. —*Reg.* XVII. 1793, *Sect.* 8.

Benares Reg. XLV. 1795, Sect. 8.

Sections 9, and 10, of Regulation XVII. 1793, and part of Section 8, rescinded.

Bengal, Behar, Orissa, Benares.

12. Sections 9 and 10, Regulation XVII. 1793, by which distrainers are required to withdraw the attachment on distrained property, on the person from whom the arrear is demanded, denying the justness of the demand, and giving security to have it tried in the Dewanny Adawlut within a certain time, and to pay interest to the date of the decree, with costs, in the event of the demand being decreed to be just, *are hereby rescinded*, together with the following Clause of Section 8, of that Regulation, viz. "*or he shall contest the demand, and procure the attachment to be withdrawn in the manner hereafter specified.*"—*Reg.* XXXV. 1795, *Sect.* 2.

Distrainers allowed to affix their signature only to writings for the distress of property.

Ditto.

13. In future distrainers are permitted to affix their signature only to writings for the attachment of property, instead of both their seals and signatures as required by Section 8, Regulation XVII. 1793.—*Reg.* XXXV. 1795, *Sect.* 3.

Distrainers to furnish the person they may depute to distrain, with a writing specifying the amount of the arrear, and the date on which it became due.

Ceded Provinces.

Copy of the writing, with list of the property distrained, &c.

Amount of the arrear and notice of the intended sale, to be delivered to the defaulter.

14. Distrainers shall deliver to the person whom they may depute to attach the property of a defaulter, a writing under their signature, specifying the amount of the arrear for which the attachment may be issued, and the date on which such arrear became due. The person so deputed shall produce this writing as his authority for making the attachment, and on the day on which he may attach the property, shall deliver a copy of it to the stated defaulter, endorsing thereon a list or inventory of the property attached, and the name of the place where it may be lodged or kept, with a notice setting forth the amount of the arrear due, and stating the intention of the distrainer, to bring the attached property to immediate public sale for the discharge of it; unless the amount and expenses of the attachment be previously paid. If the defaulter on receiving this notice shall neglect to pay the amount due from him, or to give such assurance of early payment as may be satisfactory to the distrainer; or, if the defaulter shall have absconded, or be otherwise absent, so that the notice cannot be served on him, the distrainer is to transmit an inventory of such part of the attached property as can be brought to immediate sale, to the nearest cauzy, or other public officer, empowered to sell distrained property; with a written request, that he will cause the same to

Inventory and particulars to be transmitted by distrainer to cauzy or other officer empowered to sell distrained property.

be publicly sold for the discharge of the arrear due; the amount of which is also to be specified in the application, together with the place where the property may be in attachment, and (if it be the intention of the distrainer to remove it, under the discretion vested in him by Section 10, of this Regulation,) the place to which it is intended to remove it. The cauzy, or other authorized officer, on receipt of such application, is to proceed as directed in Section 20, of this Regulation. If the defaulter shall be absent, a copy of the above writing, with the prescribed endorsement, shall be fixed up or left at his usual place of residence, before the expiration of the third day, calculating from the day of the attachment. If any person vested with the power of distraint, shall cause property to be attached, without furnishing the agent whom he may employ for that purpose with the writing above directed, or if such agent shall be furnished with the writing prescribed, and shall omit to deliver a copy of it, with the required endorsement to the defaulter, or in the event of his absence, to leave such copy at his usual place of residence within the period limited, the distrainer shall not be entitled to recover the arrear for which the distress may have been levied, and he shall be compelled to restore the property to the defaulter, or the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay all costs of suit.—*Reg.* XXVIII. 1803, *Sect.* 8.

Cauzy or other officer how to proceed on receiving applications for the sale of distrained property.

Copy of the writing to be left at his place of residence, if the defaulter is absent.

Penalty.

15. Whenever any zemindar, independant talookdar, or other actual proprietor of land, or any person farming land directly from Government, shall be desirous of distraining the property of his tenant, with a view to the recovery of an arrear of rent; such zemindar or other person shall either previously or at the time of the distress, serve the said tenant with a written demand for the amount of it, accompanied with a jumma wassil baukee, exhibiting the grounds on which the demand is so made; and no process for the distress and sale of property on account of arrears of rent shall be deemed legal and valid, unless the rule here prescribed shall have been duly observed. In all practicable cases, the prescribed demand and jumma wassil baukee account, shall be served personally on the tenant; but if he abscond or conceal himself, so that they cannot be served personally upon him, they shall be affixed at his usual place of residence; which latter process shall in such case be deemed

No process for distress or sale to be legal, unless the tenant shall be served with a written demand, accompanied with a jumma wassil baukee.

and taken to be a sufficient service of the demand and account in question.—*Reg.* V. 1812, *Sect.* 13.

Attachment not to take place if the defaulter shall tender the arrears upon demand.

16. If the defaulter shall tender the arrears demanded of him in the presence of two creditable witnesses to the person deputed to attach his property, such person shall receive the arrears, and shall not proceed to the attachment.—*Reg.* XVII. 1793, *Sect.* 7.

Benares Reg. XLV. 1795, Sect. 7.

Ceded Prov. Reg. XXVIII. 1803, Sect. 7.

Distress to be levied between sunrise and sunset.

17. All attachments shall be made after sunrise and before sunset. If any person vested with the power of distraint shall seize or attempt to seize the property of any defaulter after sunset and before sunrise for the discharge of arrears of rent or revenue, such distrainer shall not be entitled to recover the arrear; and, if the property shall have been attached, shall be compelled to restore it to the defaulter, or the value of it, if it shall have been sold, damaged, injured or destroyed, or shall not be forthcoming, with all costs of suit.—*Reg.* XVII. 1793, *Sect.* 17.

Penalty for attaching property after sunset and before sunrise.

Benares Reg. XLV. 1795, Sect. 15.

Ceded Prov. Reg. XXVIII. 1803, Sect. 15.

Transfer of a defaulter's property to prevent distraint invalid.

18. If any under-farmer, ryot, or dependant talookdar, shall make a fraudulent conveyance or transfer of his property to prevent the attachment of it for arrears, the Court of Dewanny Adawlut, upon proof thereof being made before it, shall cause the property to be delivered up to the distrainer, and compel the person to whom such transfer or conveyance shall have been made, to pay to the distrainer damages adequate to the value of one-half of the property, with costs of suit.—*Reg.* XVII. 1793, *Sect.* 18.

Penalty for persons to whom such transfers may be made.

Benares Reg. XLV. 1795, Sect. 16.

Ceded Prov. Reg. XXVIII. 1803, Sect. 16.

Punishment for under-farmers, &c. resisting an attachment, or forcibly or clandestinely taking away their property after it has been attached.

19. If any under-farmer, ryot, or dependant talookdar, shall resist the attachment of his property, or shall forcibly or clandestinely take it away after it shall have been attached, the Court of Dewanny Adawlut shall cause him and all persons who may be proved to have been his aiders or abettors, to be imprisoned in the jail until he shall restore the property to the distrainer, or the arrear shall have been liquidated by the distraint and sale of other property, or otherwise discharg-

ed with the expenses attending the attachment, and costs of suit.—*Reg.* XVII. 1793, *Sect.* 19.

Benares Reg. XLV. 1795, Sect. 17.

Ceded Prov. Reg. XXVIII. 1803, Sect. 17, Cl. 1.

Further penalties for resistence to attachments for arrears of rent as prescribed by the Regulations.

20. In addition to the penalties provided by Section 19, Regulation XVII. 1793, it is hereby declared, that if any undertenant, of whatever description, shall resist or cause to be resisted the attachment of his property for arrears of rent in the mode prescribed by the Regulations so as to prevent the attachment from taking place, or shall forcibly or clandestinely take away such property after it shall have been attached; such offender, shall, on proof before the Dewanny Adawlut, be made liable to damages to the distrainer equal to twice the amount of the property rescued from attachment, and the property so taken away may be reattached by the distrainer wheresoever it may be found. The offender and all persons concerned with him in resisting the attachment are moreover declared liable to be apprehended and prosecuted before the criminal Courts for any breach of the peace committed by them in such resistance to the attachment, and the police officers, on information of such, are immediately to repair to the spot, and take all proper measures under the Regulations as well as to apprehend and send to the Magistrates who may appear to have broken the peace, as to support distrainers in the due exercise of the legal powers vested in them. If any person, not being the defaulter, or responsible for him, claim as his right the property distrained, and the distrainer shall notwithstanding cause the same to be sold, the claimant, on proof of his right in the Dewanny Adawlut, and in the event of the distrainer being unable to prove that he was responsible for the arrear on account of which the property may have been sold, shall recover from the distrainer the full value of such property, with all costs and damages, according to the circumstances of the case. But no claim to crops upon the ground or to any gathered product of the ground attached in the possession of the defaulter, whether founded upon a previous sale, mortgage, or otherwise, shall bar the prior claim of rent due for the ground upon which such crop or product may have been grown, it being the undoubted right of the owner of the land, or his representative, to consider the produce of it mortgaged to him, for the rent of the land in the first instance,

Offenders liable to damages equal to twice the amount of the property rescued from attachment.

And property taken away may be reattached wheresoever found.

Offender and all persons concerned with him also liable to be apprehended and prosecuted for any breach of the peace.

Police officers how to act on information given in such cases.

Claims to property distrained and sold, to be preferred in the Dewanny Adawlut.

In what cases judgment for value of such property with costs and damages to be given against the distrainer.

But no claim to ground products attached in possession of defaulter to bar the prior claim of ground rent.

and in default of his rent being paid as engaged for (or determinable by local rates and usage where there may be no specific engagement) to distrain and sell such part of the product as may be necessary to make good the arrear due to him. —*Reg.* VII. 1799, *Sect.* 9.

Benares Reg. V. 1800, Sect. 9.

Ceded Prov. Reg. XXVIII. 1803, Sect. 17, Cl. 2.

Punishment for persons not being the owners, forcibly or clandestinely taking away property which has been attached.

21. If any person, not being the owner, shall be convicted of forcibly or clandestinely taking away property that has been distrained, the Court of Dewanny Adawlut, upon proof thereof being made before it, shall cause such person or persons to be imprisoned until they restore the property, or make good the value of it to the distrainer, and pay to him as damages, a sum equal to the value of such property, and all costs of suit. —*Reg.* XVII. 1793, *Sect.* 20.

Benares Reg. XLV. 1795, Sect. 18.

Ceded Prov. Reg. XXVIII. 1803, Sect. 18.

SECT. IV.

Search of Houses.

What places distrainers may break open to attach the property of defaulters.

22. Distrainers are empowered to force open any stable, cow-house, barn, golah, granary, or other building, and to enter any dwelling-house, the outer door of which may be open (excepting the apartments in such dwelling-house which may be appropiated for the zenana or residence of women,) and to break open the door of any room in such dwelling-house, for the purpose of attaching any property belonging to a defaulter which may be lodged therein. But nothing contained in this Regulation shall be construed to authorize persons vested with the power of distraint, or their servants, or agents, to enter the zenana or apartments of women, whether the doors or passages leading thereto be open or not; nor to force open and enter any dwelling-house the outer door of which may be locked or barred. Persons entering the apartments of women, or forcing open the outer door of any dwelling-house, shall be imprisoned for six months, the distrainer shall not recover the arrear for which the attachment may have been issued, and he shall be compelled to restore to the defaulter any property that may have been attached, or the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming,

Zenana or women's apartments not to be entered whether the doors be open or shut.

Dwelling-houses not to be forced open.

Punishment for entering women's apartments or forcing open dwelling-houses.

and the court shall further award against such distrainer heavy damages, with all costs of suit. And if any person shall enter a dwelling-house, or break open any stable, cow-house, barn, golah, granary, or other building not occupied by or in the possession of the defaulter, to distrain property belonging to him, and no such property shall be found therein, the distrainer shall be liable to prosecution by the occupant or possessor for entering such house, or breaking open such stable or other building, and the court shall award to him damages according to the circumstances of the case, with all costs of suit. —*Reg.* XVII. 1793, *Sect.* 21.

Penalty for entering any dwelling house, or breaking open any place not occupied by or in the possession of the defaulter, should no property belong to him be found therein.

Benares Reg. XLV. 1795, Sect. 19.

Ceded Prov. Reg. XXVIII. 1803, Sect. 19, Cl. 1.

23. The restrictions contained in Section 21, of Regulation XVII. 1793, which prohibit distainers from forcing open the outer door of any dwelling-house, and from entering the zenana or apartments of women, having been found liable to abuse, such restrictions are hereby modified as follows. When a distrainer many have reason to suppose that the property of a defaulter is lodged within a dwelling-house, the outer door of which may be shut, or within any apartments appropriated to women, which by the usage of the country are considered private, he is at liberty to represent the same to the police darogah within whose jurisdiction the house may be situated, and on such representation the police darogah is to send a police officer to the spot, in the presence of whom the distrainer is authorized to force open the outer door of the dwelling-house in which he may have reason to suppose the defaulter's property to have been lodged, in like manner as he is already authorized to break open the door of any room within a dwelling-house except the zenana. He may also, in the presence of the police officer, after due notice given for the removal of any women within the zenana, and after furnishing means for their removal in a suitable manner, if the women be of rank, who according to the customs of the country cannot appear in public, enter the zenana apartments for the purpose of attaching any of the defaulter's property deposited therein. But such property, if found, shall be immediately removed from such apartments, after which they are to be left free to the former occupants; and nothing in this Regulation is to be understood to authorize any distrainer or his agent to force open the door of a dwelling-

Modification of restrictions in Section 21, of Regulation XVII. 1793.

Distrainer in presence of a police officer, may force open the outer door of a dwelling-house in which he has reason to suppose the defaulter's property to be lodged.

And with certain precautions may enter zenana apartments to attach property.

But such property to be immediately removed; and the apartments left free to occupants.

Penalty for forcing open the door

house, or to enter the apartments of women which by the usage of the country are considered private, in any other mode than is hereby prescribed; a wilful deviation from which will subject the offender to heavy damages, besides forfeiture of the arrear of rent on account of which the distress may be levied. —*Reg.* VII. 1799, *Sect.* 10.

of a dwelling-house or entering the apartments of women considered private in any other mode than is hereinprescribed.

Benares Reg. V. 1800, Sect. 10.

Ceded Prov. Reg. XXVIII. 1803, Sect. 19, Cl. 2.

24. In all cases wherein persons authorized to distrain property for arrears of rent may apply to the police darogah of the jurisdiction to depute a police officer to be present at the time of making the attachment, with a view to prevent resistance or other breach of the peace, the police darogah shall, as far as may be in his power, immediately comply with such applications; and the police officers so deputed shall use every means in their power to prevent resistance or other breach of the peace in such cases. He shall also give due attention to the whole conduct and proceedings of the distrainer, so as to be able to give evidence thereupon if afterwards required, either before the Judge or Magistrate.—*Reg.* VII. 1799, *Sect.* 11.

Police darogahs on application to depute an officer to be present at attachments for arrears of rent.

Officer so deputed to use every means to prevent resistance or other breach of the peace, and to observe the conduct of distrainers.

Benares Reg. V. 1800, Sect. 11.

Ceded Prov. Reg. XXVIII. 1803, Sect. 19, Cl. 3.

SECT. V.

Property attachable and Rules regarding it.

Vide Paragraphs 3 and 19.

25. Persons vested with the power of distraint shall not distrain or sell the lands, houses, or other real property of their under-farmers and ryots, or the talookdars paying revenue through them; nor goods or advances belonging to the Company in the hands of any weaver, manufacturer, or other persons employed in the provision of their investment; nor the loom, thread, unwrought silk, or materials of manufacture of any weaver or manufacturer; nor the tools of any tradesman or labourer standing towards them in the relation of under-farmer, ryot, or dependant talookdar. All such distraints and sales, are declared illegal and void. The defaulter shall stand acquitted of the arrear for which the distress may be levied, and the property shall be restored to him, or the distrainer shall be compelled to

What property is not liable to distraint and sale.

Distraint and sale of it illegal and void.

Penalty.

make good to him the value of it, if it shall be personal property, and shall have been destroyed, damaged or injured, or shall not be forthcoming, and the distrainer shall be further obliged to pay to him damages adequate to the loss which he may prove to have sustained in consequence of such attachment or sale, with all costs of suit.—*Reg.* XVII. 1793, *Sect.* 3.

Benares Reg. XLV. 1795, Sect. 3.

Ceded Prov. Reg. XXVIII. 1803, Sect. 3.

What property is not to be distrained; if other sufficient property can be attached.

26. The ploughs and implements of husbandry, the cattle actually trained to the plough, and the seed grain of under-farmers, ryots and dependant talookdars shall not be distrained for arrears, provided the defaulter shall possess, and the distrainer shall have it in his power to attach, other cattle, grain, or property sufficient for the discharge of the arrear. Distrainers are enjoined to attend strictly to this rule, and every deviation from it shall be punished by an award to the party aggrieved of damages adequate to the injury he may have sustained, with all costs of suits.—*Reg.* XVII. 1793, *Sect.* 4.

Penalty.

Benares Reg. XLV. 1795, Sect. 4.

Ceded Prov. Reg. XXVIII. 1803, Sect. 4.

Ploughs, &c. and cattle employed in agriculture, not to be distrained or sold.

27. Ploughs and other implements of husbandry, bullocks, and other cattle employed in agriculture, together with the tools of artisans, shall not be subject to distress and sale on account of arrears of rent, although the tenant, from whom such arrears may be demanded, shall not possess other property sufficient to make good the arrear.—*Reg.* V. 1812, *Sect.* 14.

Certain rules enacted.

28. From the beginning of Kartic to the end of Assar, no person under engagements, and employed in the salt manufacture, shall be liable to be arrested for a demand of rent, nor to be summoned to the Cutcherry of any proprietor, or farmer of land, or any person holding, or entrusted with the collection of the rents, or revenue of lands, or the management thereof, under any pretence whatever. If any such proprietors, farmers, or other persons aforesaid, shall have a claim for, or relating to rent on any persons so engaged, and employed, and shall be desirous of enforcing it during the period above-mentioned, they shall either distrain for the amount, under the existing Regulations for levying distress for the recovery of arrears of land rent, or sue the stated defaulter for it in the Dewanny Adawlut, or state their claim in writing to the agent, who, if he shall deem it expedient so to do, shall cause the stated de-

faulter to satisfy it himself, and stop the amount by kistbundy from his future advances; so that his labour on account of the manufacture may not be interrupted. If the claimant shall prefer applying in the first instance to the agent, and he shall not afford satisfaction for the claim, the claimant must distrain, or commence a civil prosecution as above pointed out. But the salt advances, or implements belonging to the Company in the hands of the defaulter, shall not be held liable for the claim, nor shall they under any pretence whatsoever, be distrained, seized, sold, or otherwise disposed of by the claimant, or by the Court, in satisfaction of his demand.—*Reg.* X. 1819, *Sect.* 20, *Cl.* 2.

Distrained crops and ungathered products of the earth when to be reaped or gathered, and where to be stored.

29. Distrainers who shall attach the crops or any ungathered products of the earth belonging to their under-farmers, ryots, or the talookdars paying revenue through them, shall cause such crops or products to be reaped or gathered in due season, and store the same in proper houses, barns, or granaries upon the premises; or if there be no such places on the premises, in any barn or proper place which can be procured as near thereto as possible within the limits of the pergunnah. The expense of reaping or gathering and storing such crops or products shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.—*Reg.* XVII. 1793, *Sect.* 13.

Benares Reg. XLV. 1795, Sect. 11.

Ceded Prov. Reg. XXVIII. 1803, Sect. 11.

Rule in respect to the attachment and division of betay crops.

Benares.

30. Nothing contained in this Regulation shall be construed to prohibit persons entitled under this Regulation to distrain, from attaching the standing crops of the under-ryots who cultivate on the betay tenure, and appropriating the moiety in value or kind, or such other proportion thereof, as they shall be entitled to, under the rules contained in Regulation II. 1795, leaving to such ryots who shall deem themselves aggrieved by any act of the landholder or superior renter exercising this right, his remedy by application to the Adawlut.—*Reg.* XLV. 1795, *Sect.* 30.

Property distrained not to be taken out of the pergunnah.

Where to be kept.

31. Distrainers shall not drive or convey distrained cattle or other property out of the limits of the purgunnah in which it may have been attached. The distrainer shall either leave the property upon the premises in the charge of any person he may think proper, or drive or convey it with due care to a proper

place as near as possible to the premises within the limits of the purgunnah.—*Reg.* XVII. 1793, *Sect.* 12.

Benares Reg. XLV. 1795, Sect. 10.

Ceded Prov. Reg. XXVIII. 1803, Sect. 10.

Distrained cattle not to be worked nor goods or effects used.

32. Distrainers shall not work the bullocks or cattle, or make use of the goods or effects distrained. They shall provide the necessary food for the cattle or live stock, the expense attending which shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale, in the event of its being sold.—*Reg.* XVII. 1793, *Sect.* 14.

Benares Reg. XLV. 1795, Sect. 12.

Ceded Prov. Reg. XXXVIII. 1803, Sect. 12.

Penalty for distrainers neglecting to take due care of the property distrained.

33. If property distrained shall be stolen or lost, or be damaged, injured, or destroyed by the weather or otherwise, whilst in the possession of the distrainer, owing to his not having taken the necessary precautions for the due keeping and preservation of it, he shall make good the loss or damage to the owner.—*Reg.* XVII. 1793, *Sect.* 15.

Benares Reg. XLV. 1795, Sect. 13.

Ceded Prov. Reg. XXVIII. 1803, Sect. 13.

Distress to be proportionate to the arrear.—

Penalty for excessive distress.

34. The distress levied shall not be excessive, or in other words, the property seized shall be as nearly as possible proportionate to the amount of the arrear. If any person vested with the power of distraint shall attach any property the value of which shall be disproportionate to the arrear, and it shall be proved that he could have seized other property of less value and which would have been sufficient for the liquidation of such arrear, the Court of Dewanny Adawlut shall award to the owner damages according to the circumstances of the case, with all costs of suit.—*Reg.* XVII. 1793, *Sect.* 16.

Benares Reg. XLV. 1795, Sect. 14.

Ceded Prov. Reg. XXVIII. 1803, Sect. 14.

SECT. VI.

Duties of the Distrainer.

Under-farmers, &c. who have given security for their rent or revenue, and who may contest the arrears, how to procure the attachment to be withdrawn.

35. If an attachment for arrears shall have been issued against an under-farmer, ryot, or dependant talookdar, who may have given security for the payment of his rent or revenue, and such under-farmer, ryot, or dependant talookdar, shall dispute the justness of the demand, and the security within

five days commencing from the day following the day of the attachment, or, if the property attached shall consist of crops or other ungathered products of the earth, within five days calculating from the day following the day on which such crops or products may be stored as directed in Section 13, shall deliver a writing, attested by two witnesses, to the Judge of the Dewanny Adawlut, the cauzy of the pergunnah or the distrainer engaging that either he or the stated defaulter will institute a suit in the Dewanny Adawlut of the zillah, within fifteen days from the date of such writing, to try the demand, and to pay the amount that may be adjudged against them, with interest upon it at the rate of twelve per cent. per annum, to be calculated from the date on which the arrear that may be awarded became payable to the date of the decree, with all costs of suit, the distrainer shall immediately withdraw the attachment. If the security shall fail to execute such writing within the prescribed period, the distrainer shall continue the property under attachment, and cause it to be sold in the manner directed in Section 22, unless the arrear and the expences attending the attachment shall be discharged previous to the day of sale. If the surety shall execute the writing, but fail to have the suit instituted either in his own name or that of the defaulter within the limited period, the distrainer shall demand payment of the arrears from the surety, and in the event of his omitting to discharge the amount immediately, the distrainer shall be at liberty to issue an attachment against the personal property both of the surety and the defaulter, or the personal property of either of them, and to cause it to be sold in the manner directed in Section 22, unless the arrears and the expence, attending the attachment shall be discharged prior to the day of sale. If the surety of the stated defaulter shall refuse or omit to enter into the writing required, or if he shall happen to be at a distance so as to render it impossible for him to execute such writing within the prescribed time, and such defaulter in either of these cases shall give the security required from the defaulters specified in Section 9, the distrainer shall withdraw the attachment, and as far as regards the said arrear, such distrainer, defaulter, and surety, shall be considered in every respect in the same predicament as the distrainers, defaulters, and sureties mentioned in the said section. Landholders and farmers of land are prohibited dis-

Surety to execute writing to try the demand in the Dewanny Adawlut within fifteen days.

Attachment to be withdrawn upon the execution of the writing.

Distrainer how to recover the arrears upon both surety, and defaulter failing to institute the suit by the time limited in the bond.

Under-farmers, &c. how to proceed to get the attachment withdrawn, in case of the absence of the surety or of his refusing to execute the writing required.

Property of sure-

ties not liable to distraint or sale except in the cases herein authorized.

training or selling the property of the sureties of their under-farmers, ryots, and dependant talookdars (nominal sureties excepted as described in Section 27,) under any pretext whatever, but in the cases specified in this Section and in Section 9. In all other cases landholders and farmers of land are to have recourse to the Dewanny Adawlut of the zillah for the recovery of any claims which they may have on the sureties of their under-farmers, ryots, or dependant talookdars. If any person shall distrain or sell the property of a surety, excepting in the cases above authorized, such surety, provided he be desirous thereof, shall be discharged from his engagement, and the distrainer shall be compelled to restore the property to him, or to pay to him the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming with all costs of suit.—*Reg.* XVII. 1793, *Sect.* 10.

Claim on sureties on other cases how to be recovered.

Penalty for the illegal distraint or sale of the property of sureties.

Attachment to be withdrawn, and distrained property restored, should a tenant who may not have given security, dispute the demand and enter into a bond with security, binding himself to institute a suit within fifteen days.

36. If an attachment for arrears shall have been issued against the property of any tenant of any description, whether denominated under-farmer, ryot, or dependant talookdar, who may not have given security for the payment of his rent or revenue, and such tenant shall dispute the justness of the demand, and shall within five days, reckoning from the day following the attachment, or if the property attached, consist of crops, or other ungathered products of the earth, within five days, calculating from the day following the date on which such crops or products may be stored, enter into a bond before the Judge or Collector of the zillah, the cauzy of the pergunnah, the Commissioner or other person vested with power to sell distrained property, or before the distrainer himself with good security, binding himself to institute a suit in the Dewanny Adawlut of the zillah within fifteen days from the date of such bond, for the trial of the demand, and to pay whatever sum may be adjudged to be due from him, with interest upon it at the rate of twelve per cent. per annum, to be calculated from the date on which the arrear that may be awarded became payable to the date of the decree, with all costs of suit, the distrainer shall immediately withdraw the attachment, and restore the property to the defaulter. If the stated defaulter shall fail to execute the bond within the period prescribed, the distrainer shall be at liberty to keep the property under attachment, and to cause it to be sold in the manner hereafter directed, unless the arrear, with the expenses of

Attachment shall continue, and the property be sold, should the tenant fail to execute such bond or pay the arrears.

the attachment, shall be discharged previously to the day of sale. If the defaulter shall execute the bond, but omit to institute the suit in the Dewanny Adawlut, within the time prescribed, the distrainer shall demand payment of the arrear from the surety; and in the event of his not discharging the amount immediately, the distrainer shall be at liberty to issue an attachment against the personal property both of the surety and the defaulter, or the personal property of either of them, excepting always the articles specified in Section 14, of this Regulation, and to cause it to be sold, unless the arrear and the expenses of the attachment shall be discharged previously to the day of sale.—*Reg.* V. 1812, *Sect.* 15.

Should he execute the bond, but fail to institute a suit, his security may be proceeded against.

37. If an attachment for arrear shall have been issued against any tenant, who may have given security for the payment of his rent or revenue, and such tenant shall dispute the justness of the demand, and the surety within five days, reckoning from the day following the day of the attachment, or if the property attached shall consist of crops or other ungathered products of the earth, within five days, calculating from the day following the date on which such crops or products may be stored, shall deliver a writing, attested by two witnesses, to the Judge of the Dewanny Adawlut, the Collector of the district, the cauzy of the pergunnah, the Commissioner or other person vested with power to sell distrained property, or to the distrainer himself, engaging that either he or the stated defaulter will institute a suit in the Dewanny Awawlut within fifteen days from the date of such writing, to try the demand, and to pay the amount that may be adjudged against them, with interest upon it at the rate of twelve per cent. per annum, to be calculated from the date on which the arrear that may be awarded, became payable, to the date of the decree, with all costs of suit, the distrainer shall immediately withdraw the attachment. If the surety shall fail to execute such writing within the prescribed period, the distrainer shall continue the property under attachment, and cause it to be sold in the manner hereafter directed, unless the arrear and the expenses attending the attachment shall be discharged previously to the day of sale. If the surety shall execute the writing, but fail to have the suit instituted either in his own name, or that of the defaulter, within the above-mentioned period of fifteen days, the distrainer shall demand payment of the arrears from the surety,

Under what rules attachment shall be withdrawn in the case of tenants who have given security disputing the justness of the demand.

Property to continue under attachment should the surety fail to execute the necessary writing.

Should the surety fail to have a suit instituted, the distrainer may attach both his and the defaulter's property.

and in the event of his omitting to discharge the amount immediately, the distrainer shall be at liberty to issue an attachment against the personal property both of the surety and the defaulter, or the personal property of either of them, excepting always the articles specified in Section 14, of this Regulation, and to cause it to be sold in the manner hereafter directed; unless the arrears and the expense attending the attachment shall be discharged before the day of sale. If the surety of the stated defaulter shall refuse or omit to enter into the writing required, or if he shall happen to be at a distance, so as to render it impossible for him to execute such writing within the prescribed time, and such defaulter in either of these cases shall give the security required from the defaulters, specified in Section 15 of this Regulation, the distrainer shall withdraw the attachment; and the rules contained in the foregoing Section, shall in every respect be considered applicable to the parties concerned.—*Reg.* V. 1812, *Sect.* 16.

The rules contained in Section 16, declared to be applicable, should the required writing not be executed by the surety, and the defaulter himself give the required security.

38. In modification of the rules contained in Sections 15 and 16, Regulation V. 1812, which prescribe that the individual whose property is distrained should give security for instituting a suit to contest the demand, it is hereby provided that if a part only, and not the whole of the demand be contested, it shall be competent to the individual whose property is distrained, to release it from distraint, on paying a part of the demand and giving security to contest the remainder.—*Reg.* VIII. 1831, *Sect.* 12.

Sections 15 and 16, Regulation V. 1812, modified.

39. Should any ryot, farmer, or dependant talookdar, whose property may have been distrained, be unable to give security to the amount of the demand, together with interest upon it, at the rate of one Rupee per mensem, with costs of suit and expenses of attachment, he will of course be at liberty to institute a suit against the distrainer in the Dewanny Adawlut, to try the demand, and for the recovery of damages on account of any injury which he may have sustained by the illicit sale of his property.—*Reg.* V. 1812, *Sect.* 17.

Persons unable to give sufficient security may institute a suit in the Court to try the demand or recover damages.

40. The several descriptions of landholders and farmers of land, specified in Section 2, are empowered under the restrictions contained in this Regulation, to attach and sell the property of persons employed in the provision of the Company's investment, or the manufacture of salt, for the recovery of arrears of rent or revenue, without previously stating the claim

Explanatory rule respecting defaulters employed in the investment, or the manufacture of salt.

to the Company's commercial representative, or to any salt agent, or other officer employed in the salt department. But such distrainers shall within three days, calculating from the day following the day of the attachment, after they shall have attached the property of any weaver or molungee, or other person employed in the provision of the Company's investment, or the manufacture of salt, send information of such attachment in writing to the commercial resident or salt agent, or the nearest commercial factory or salt cutcherry, that the commercial resident or salt agent may satisfy the demand previous to the time fixed for the sale of the property, or cause such steps to be taken in behalf of the defaulter as may be consistent with this Regulation.—*Reg.* XVII. 1793, *Sect.* 31.

Distrained property to be appraised previously to sale, and a certificate furnished to the defaulter.

41. Whenever property shall have been distrained with a view to the sale of it, for the recovery of arrears of rent, it shall be appraised previously to such sale, by persons conversant with the purchase and sale of articles of the quality and description of those so distrained, and a certificate of the appraisement shall be furnished by the appraisers under their signatures, which shall be communicated to the tenant at least three days before the sale.—*Reg.* V. 1812, *Sect.* 18.

Attachment to be withdrawn if the defaulter shall tender the arrear and expenses of attachment previous to the day of sale.

42. If the defaulter shall tender payment of the arrear demanded of him in the presence of two creditable witnesses after his property shall have been attached, and prior to the day fixed for its being put up to sale, and also of the necessary expences attending the attachment, the distrainer shall receive the amount of such arrear, and expenses immediately upon the same being tendered, and shall forthwith release the property. In case of any dispute arising respecting the expenses of the attachment, it shall be determined by the cauzy of the pergunnah in which the distress may have been levied.

Penalty

The Courts of Dewanny Adawlut are upon complaint made to them to punish any distrainer who may act contrary to this Regulation by awarding against him in favour of the party injured, damages according to the circumstances of the case, with all costs of suit.—*Reg.* XVII. 1793, *Sect.* 11.

Benares Reg. XLV. 1795, Sect. 9.

Ceded Prov. Reg. XXVIII. 1803, Sect. 9.

SECT. VII.

Authority to sell distrained Property.

Native Commissioners appointed under Regulation XL. 1793, empowered to sell distrained property.

43. To facilitate the sale of distrained property, every person having a commission from the Judge of the zillah to hear and determine civil suits not exceeding fifty rupees, under Regulation XL. 1793,* is authorized and required to dispose of, under the rules prescribed to cauzies in Regulation XVII. 1793, and this Regulation, any property that may be distrained in the pergunnah in which he may reside, and for the sale of which application may be made to him. The cauzies are likewise to continue to exercise the authority vested in them by Regulation XVII. 1793, and this Regulation, and where a greater number of persons to be vested with this authority, shall be requisite in any pergunnah for facilitating the sale of property, the Judge is empowered to appoint them. But no person vested with the power of disposing of distrained property, shall sell property that may have been distrained for arrears due to himself. Persons of this description, having occasion to levy arrears by distress, are to apply to some other person duly empowered for the sale of the property.—*Reg.* XXXV. 1795, *Sect.* 8.

Benares Reg. XLV. 1795, Sect. 27, Cl. 2.

Ceded Prov. Reg. XXVIII. 1803, Sect. 27, Cl. 3.

Recapitulation of Section 8, Regulation XXXV. 1795.

44. By Section 8, of Regulation XXXV. 1795, the native Commissioners appointed to determine suits not exceeding fifty rupees, under Regulation XL. 1793, are authorized and required to dispose of distrained property under the prescribed rules, on application made to them, and the zillah Judges are empowered to appoint as many other persons as may be requisite for facilitating the sale of property under distraint for arrears of rent. It is therefore no longer necessary to vest the cauzies generally with the powers delegated to them by Regulation XVII. 1793, and it is now declared that such cauzies only shall be authorized to sell distrained property, under the provisions contained in Regulation XVII. 1793, and the subsequent rules in modification thereof, as may have been appointed Commissioners for the trial of civil suits under Regula-

Cauzies appointed under above Section, or under Regulation XL. 1793, authorized to sell distrained property; but no others.

* That is to say, the Moonsiffs.

tion XL. 1793, or who may be appointed Commissioners for the sale of distrained property under Section 8, of Regulation XXXV. 1795. It is expected that the zillah Judges will pay due regard to the character and qualifications of all persons whom they may appoint under this Regulation; and they are to furnish the Commissioners so appointed by them with commissions (sunnuds) under their official seals and signatures in the following form:

Zillah Judges to regard the character and qualifications of persons appointed by them to sell distrained property.

Form of commission given to the persons so appointed.

I A. B. Judge of the Dewanny Adawlut of the zillah of in virtue of the powers vested in me by Regulation XXXV. 1795, appoint you Commissioner for the sale of property distrained on account of arrears of rent, in pursuance of the above Regulation, and of Regulation XVII. 1793, and VII. 1799. You are to reside at in pergunnah ; and are to exercise the authority vested in you by the above Regulations, or by any others that may be hereafter transmitted to you for your guidance, in strict conformity thereto, and are to keep a regular and complete record of your proceedings to be produced when called for.—*Reg.* VII. 1799, *Sect.* 6.

Benares Reg. V. 1800, Sect. 6.

[The latter part of this clause, from the words "It is expected," to "When called for" are extended to the Ceded Prov. by Reg. XXVIII. 1803, Sect. 27, Cl. 2.]

Commissioners for civil suits under Regulation XL. 1793, and tehseeldars appointed by the Collectors, to be considered Commissioners for the sale of distrained property by virtue of their offices.

But all Commissioners for the sale of distrained property are to furnish any reports or information required from them by the zillah Judges.

And no person receiving a commission under Section 6, of this Regulation, to be deprived of it whilst resident on the spot without the sanction of the

45. The Commissioners for the trial of civil suits appointed under Regulation XL. 1793, and the tehseeldars appointed by the Collectors for the collection of the public revenue, who are authorized to sell distrained property by Section 29, of Regulation XVII. 1793, are to be considered Commissioners for the sale of distrained property by virtue of their offices of Commissioners for civil suits, and tehseeldars, so long as they may continue to hold such offices; and any separate commissions to them for this purpose will not be requisite: but the whole of the Commissioners appointed to sell distrained property are at all times to furnish any reports or other information that may be required from them by the zillah Judges; and no person receiving a commission under Section 6, of this Regulation, is to be deprived of it, whilst he may reside on the spot, without sufficient reason assigned to the satisfaction of the Court of Sudder Dewanny Adawlut, to whom the zillah Judges are to report all appointments made, and commissions

Sudder Dewanny Adawlut.

Rules for the appointment and removal of Commissioners for civil suits under Regulation XL. 1793, declared applicable to the Commissioners above referred to.

issued by them under this Regulation, in the same manner, and under the same rules, as have been prescribed for the nomination and removal of commissioners for the trial of civil suits by Regulation XL. 1793.—*Reg.* VII. 1799, *Sect.* 7.

Benares Reg. V. 1800, Sect. 7.

Ceded Prov. Reg. XXVIII. 1803, Sect. 27, Cl. 4.

What cauzies shall be competent to sell distrained property.

Ceded Provinces.

46. Such cauzies only shall be competent to sell distrained property, as are commissioners of law suits, appointed under Regulation XVI. 1803, or may be thereunto authorized by a particular commission (sunnud) under Section 27.—*Reg.* XXVIII. 1803, *Sect.* 20, *Cl.* 3.

Judges of cities of Dacca, Moorshedabad, and Patna authorized to appoint Commissioners for the sale of distrained property within their respective jurisdictions.

47. The Judges of the cities of Dacca, Moorshedabad, and Patna are authorized to appoint any number of Commissioners that may be requisite for the sale of distrained property within their jurisdictions respectively, in like manner and form as has been prescribed to the zillah Judges.—*Reg.* VII. 1799, *Sect.* 8.

Judge of the city of Benares, authorized to appoint Commissioners for the sale of distrained property within his jurisdiction.

48. The Judge of the city of Benares, is authorized to appoint any number of Commissioners that may be requisite for the sale of distrained property within his jurisdiction, in like manner and form as has been prescribed to the zillah Judges. —*Reg.* V. 1800, *Sect.* 8.

What persons are to perform the duties assinged to the cauzy in the event of his absence, or of there being no such officer stationed in the pergunnah.

49. In the event of the absence of the cauzy, or of their being no such officer stationed in the pergunnah, the tehseeldar, or, in case of his absence, or, of there being no such officer in the pergunnah, then such person as the Judge of the Dewanny Adawlut of the zillah shall think proper to vest with authority for that purpose, may and shall respectively do all such acts as the cauzy is authorized or directed to perform by this Regulation, and under the like restrictions and penalties as far as the latter can be inflicted.—*Reg.* XVII. 1793, *Sect.* 29.

Benares Reg. XLV. 1795, Sect. 27, Cl. 1.

Ceded Prov. Reg. XXVIII. 1803, Sect. 27, Cl. 1.

SECT. VIII.

Rules of Sale.

Rules regarding the sale of distrained property.

50. After the expiration of the fifth day, and before the elapse of the eighth day, calculating from the day following the day on which the attachment of the property of a defaulter shall have taken place, or, if the property attached shall con-

Bengal, Behar, Orissa, Benares.

sist of crops, or other ungathered products of the earth, after the elapse of the fifth day, and before the expiration of the eighth day, commencing from the day following the day on which such crops or products may have been stored as directed in Section 13, Regulation XVII. 1793, the distrainer shall apply to the cauzy of the pergunnah to have the same appraised and sold. Upon the receipt of such application, the cauzy shall proceed as follows. He shall fix up on the outer door of his own house, and at the place at which he may determine to dispose of the property, a list of the property attached, with a notice, which shall specify, firstly, the place at which the property is to be sold, which shall be on the spot where it may be lodged by the distrainer, or at the nearest gunge, bazar or haut, or any place of public resort where the cauzy may be of opinion it is likely to sell to the best advantage; secondly, the day on which it is to be sold, which shall be the fifteenth day, commencing from the day following the day on which the attachment may take place, unless the property shall consist of crops or other ungathered products of the earth, in which case, the sale shall be made on the fifteenth day calculating from the day following the day on which such crops or products may be stored as directed in Section 13, Regulation XVII. 1793; and thirdly, the time of the day when the sale is to be made, which shall be during the hours of business when the greatest number of people may be supposed to assemble. The cauzy shall nominate two creditable persons, competent by their profession, trade, or occupation, to appraise the property. The persons so appointed, shall appraise the property according to the current price which the several articles may then bear in the country, and shall deliver the particulars of the appraisement in writing, and attest the same with their signatures, and shall certify in writing at the foot of the paper, that they have appraised the property according to the best of their knowledge and judgment. The cauzy shall affix his seal to the paper of appraisement, and cause it to be stuck up on the outer door of his own house, and at the place where the property is to be sold. The property shall be brought to the place of sale on the morning of the day of sale, in order that it may be examined by the persons intending to bid, unless it shall consist of grain or other products of the earth, the removal of which would be attended with considerable expense,

Distrainer to apply to the cauzy of the Pergunnah to sell the property.

Acts to be done by the cauzy on receipt of the application, viz.;

to publish at the places herein specified, a list of the property;

the place of sale;

the day of sale;

and the hour of the day when the sale is to be made;

to appoint appraisers to value the property;

to fix up the paper of appraisement at the places herein specified;

to cause the property or samples of it to be brought and exposed at the place of sale;

in which case, samples only, indiscriminately taken from each article, shall be brought to the place of sale, and exposed for the purpose above-mentioned. The property shall be put up to sale in one lot, or in two or more lots, as the cauzy may think advisable. The property shall be disposed of for the highest price that may be offered for it. If the property shall sell for more than the amount of the arrear, the overplus, after deducting the charges attending the attachment and sale of it, shall be returned to the defaulter. If the proceeds of the sale shall be insufficient for the discharge of the arrear, and the expenses attending the attachment and sale, the distrainer shall be at liberty to attach other property belonging to the defaulter, and to cause it to be sold to make good the deficiency. The cauzy is in every case to examine the distrainer's statement of the expenses consequent to the attachment and sale of the property, and to reject any part of it that may appear to him unreasonable. If any person vested with the power of distraint, shall sell or dispose of property which he may have attached for arrears of Rent or Revenue, in any other mode than that prescribed in this Section, he shall forfeit the arrear for which the distress may be levied to the defaulter, and make good to him the value of the property sold or disposed of, with all costs of suit.—*Reg.* XXXV. 1795, *Sect.* 5.

to put up the property to sale in one, or two, or more lots;

to dispose of the property to the highest bidder;

to return any overplus in the proceeds to the defaulter;

to sell further property for any deficiency;

and to examine and check the distrainer's statement of expenses attending the attachment and sale;

Penalty for distrainers disposing of distrained property in any manner excepting that herein directed.

Benares Reg. XLV. 1795, Sect. 20.

51. The notice of fifteen days for the sale of attached property directed in Section 8, of Regulation XVII. 1793, and the period of fifteen days from the time of attachment fixed for the sale of such property by Section 5, of Regulation XXXV. 1795, are hereby rescinded: and the notice to the defaulter, directed to accompany the inventory of the attached property to be delivered to him, shall inform him only of the arrear due and the intention of the distrainer to bring the attached property to immediate public sale for the discharge of it, unless the amount and expenses of attachment be previously paid. If the defaulter on receiving this notice shall neglect to pay the amount due from him, or to give such assurance of early payment as may be satisfactory to the distrainer, or if the defaulter shall have absconded or be otherwise absent, so that the notice cannot be served on him, the distrainer is to transmit an inventory of such part of the attached property as can be brought to immediate sale, to the nearest cauzy or other public officer

Notice of fifteen days directed in Section 8, of Regulation XVII. 1793, and period of fifteen days fixed by Section 5, of Regulation XXXV. 1795, for sale of attached property rescinded.

Further notice to be given to defaulters.

Bengal, Behar, Orissa, Benares.

Inventory and particulars to be transmitted by distrainer to cauzy or other officers em-

empowered to sell distrained property, with a written request that he will cause the same to be publicly sold for the discharge of the arrear due, the amount of which is also to be specified in the application, together with the place where the property may be in attachment; and if it be the intention of the distrainer to remove it, under the discretion vested in him by Section 12, of Regulation XVII. 1793, the place to which such removal is intended. The cauzy or other authorized officer, on the receipt of such application, is to proceed as directed in Section 5, of Regulation XXXV. 1795, under the following further provisions, viz. instead of fixing the day of the sale on the fifteenth day after the attachment, he shall fix as early a day for the sale as may be compatible with a due observance of the other directions in the above section for the appraisement of the property, and the publication of the intended sale of it, which is to be made by beat of drum on one market day at the least before the market day on which the sale may take place, as well as on the morning of the day of sale; and the sale is in no instance to take place before the expiration of five complete days after the attachment, exclusive of the day on which the attachment may have been made. The same principle is to be observed with respect to the sale of ungathered products after the distrainer shall have gathered and stored them, as required by Section 13, of Regulation XVII. 1793, and which are not to be sold until publication shall have been made as above directed. In consequence of this alteration, which is made with a view to expedite the sale of distrained property, distrainers, when they attach the property of persons employed in the provision of the Company's investment, or in the manufacture of salt, are to give the notice directed in Section 31, of Regulation XVII. 1793, as soon as possible after making the attachment; and in such cases the property is not to be sold until sufficient time has been given to enable the Company's officers to satisfy the demand before the day of sale. The notice required by the above section however may, at the option of the distrainer, be either given to the commercial resident, or salt agent, in whose division the defaulter may have been employed, or to the native superintendent of the factory or salt chokey to which the defaulter may be attached.—*Reg.* VII. 1799, *Sect.* 4.

powered to sell distrained property.

Cauzy or other officer how to proceed on receiving applications for the sale of distrained property.

No sale to take place before expiration of five complete days after the attachment,

Or after storing products ungathered at the time of attachment.

Notice to commercial residents and salt agents, directed in Section 31, of Regulation XVII. 1793, to be given as soon as possible after attaching the property of persons employed in the Company's investment or manufacture of salt.

And sufficient time to be allowed for satisfying the demand in such cases.

But the required notice may be given either to the commercial resident or salt agent; or to the native superintendent of the factory or salt chokey.

Benares Reg. V. 1800, Sect. 4.

52. After the expiration of the fifth day, and before the

Rules regarding

the sale of distrained property.

Ceded Provinces.

elapse of the eighth day, calculating from the day following the day on which the attachment of the property of a defaulter shall have taken place, or, if the property attached shall consist of crops, or other ungathered products of the earth, after the elapse of the fifth day, and before the expiration of the eighth day, commencing from the day following the day on which such crops or products may have been stored as directed in Section 11, the distrainer shall apply to the cauzy of the pergunnah, or other authorized officer, to have the same appraised and sold. Upon the receipt of such application, the officer shall proceed as follows:—He shall fix up on the outer door of his own house, and at the place at which he may determine to dispose of the property, a list of the property attached, with a notice which shall specify; first, the place at which the property is to be sold, which shall be on the spot where it may be lodged by the distrainer, or at the nearest gunge, bazar, or haut, or any place of public resort, where the officer may be of opinion it is likely to sell to the best advantage. Secondly, the day on which it is to be sold; which shall be as early a day as may be compatible with a due observance of the other directions contained in this section. Thirdly, the time of the day when the sale is to be made; which shall be during the hours of business, when the greatest number of people may be supposed to assemble. The publication of the intended rule shall also be made by beat of drum; on one market day, at the least before the market day, on which, the sale shall take place; as well as on the morning of the day of the sale. And the sale shall, in no case, take place before the expiration of five complete days, after the attachment; exclusive of the day on which the attachment may have been made. The same principle is to be observed with respect to the sale of ungathered products, after the distrainer shall have gathered, and stored them, as required by Section 11, and which are not to be sold until publication shall have been made as above directed. The officer shall nominate two creditable persons, competent by their profession, trade, or occupation, to appraise the property. The persons so appointed, shall appraise the property according to the current price which the several articles may then bear in the country, and shall deliver the particulars of the appraisement in writing, and attest the same with their signatures, and shall certify in writing at the foot of

Distrainer to apply to the cauzy of the pergunnah to sell the property.

Acts to be done by the cauzy or officer on receipt of the application, viz. to publish at the places herein specified a list of the property;

the place of sale;

the day of sale;

the hour of the day on which the sale is to be made;

publication to be made by beat of drum;

no sale to take place before the expiration of five days from the attachment.

The same rule in regard to products, ungathered at the time of attachment.

To appoint appraisers to value the property;

the paper, that they have appraised the property according to the best of their knowledge and judgment. The officer shall affix his seal to the paper of appraisement, and cause it to be stuck up on the outer door of his own house, and at the place where the property is to be sold. The property shall be brought to the place of sale on the morning of the day of sale, in order that it may be examined by the persons intending to bid, unless it shall consist of grain or other products of the earth, the removal of which would be attended with considerable expense, in which case, samples only, indiscriminately taken from each article, shall be brought to the place of sale, and exposed for the purpose above-mentioned. The property shall be put up to sale in one lot, or in two or more lots, as the officer may think advisable. The property shall be disposed of for the highest price that may be offered for it. If the property shall sell for more than the amount of the arrear, the overplus, after deducting the charges attending the attachment and sale of it, shall be returned to the defaulter. If the proceeds of the sale shall be insufficient for the discharge of the arrear, and the expenses attending the attachment and sale, the distrainer shall be at liberty to attach other property belonging to the defaulter, and to cause it to be sold to make good the deficiency. The officer is in every case to examine the defaulter's statement of the expenses consequent to the attachment and sale of the property, and to reject any part of it that may appear to him unreasonable. If any person vested with the power of distraint, shall sell or dispose of property which he may have attached for arrears of rent or revenue, in any other mode than that prescribed in this section, he shall forfeit the arrear for which the distress may be levied to the defaulter, and make good to him the value of the property sold or disposed of, with all costs of suit.—*Reg.* XXVIII. 1803, *Sect.* 20, *Cl.* 1.

to affix up the paper of appraisement at the place herein specified;

to cause the property or samples of it to be brought and exposed at the place of sale;

to put up the property to sale, in one or two or more lots; to dispose of the property to the highest bidder;

to return any overplus in the proceeds to the defaulter;

to sell further property for any deficiency;

and to examine and check the distrainer's statement of expenses attending the attachment and sale.

Penalty for distrainers disposing of distrained property in any manner excepting that herein directed.

53. If at the time of sale, a price shall not be offered for the distrained property equal to its appraised value, the sale shall be postponed until the ensuing market day, when the property shall be actually sold, whatever price (not less than the amount bidden on the first day of sale) may be offered for it.—*Reg.* V. 1812, *Sect.* 19.

Sale to be postponed should the price offered be less than the appraised value.

54. As a compensation to the cauzies and other public officers empowered to dispose of property under distraint both for their

Commission to be drawn by officers authorized to

sell distrained property, if the sale take place, but not otherwise.

personal trouble, and for the expense they may incur in publishing and making such sales, as well as in causing the attached property to be appraised as directed by Section 5, of Regulation XXXV. 1795, they shall draw a commission of one anna in the rupee on the amount sales of the property sold by them; to be deducted from the proceeds, and charged to the account of the defaulter, with the other expenses attending the attachment. But no such commission shall be drawn, nor any charge made to the defaulter beyond expenses actually and necessarily incurred, in the event of the sale being stopped by his discharge of the arrear due from him, or otherwise. It is expected that this allowance to the officers entrusted with the sale of distrained property, will ensure the faithful discharge of the trust reposed in them; and any collusion with the defaulter, distrainer or purchaser, or other misconduct in the execution of the duty committed to them, will render them liable to immediate dismission from their offices in the mode provided by the Regulations, besides subjecting them to the other penalties therein specified, and full damages to the party injured.——*Reg.* VII. 1799, *Sect.* 5.

Faithful discharge of trust expected in consequence of such allowance

Punishment of collusion or other misconduct.

Benares Reg. V. 1800, Sect. 5.

Ceded Prov. Reg. XXVIII. 1803, Sect. 20, Cl. 2.

Punishment for cauzy's conniving at unfair practices in the appraisement or sale of property.

55. The cauzy is to be careful to prevent any unfair practices either in the appraisement or sale of property. Upon proof being made before the Court of Dewanny Adawlut of the zillah of his conniving at any such practices, the Court shall cause him to make good any loss or injury that the defaulter may have thereby sustained, with costs of suit; and shall immediately report the circumstances of the case to the Sudder Dewanny Adawlut for the information of the Governor General in Council, who, provided there hall appear to him sufficient reason for so doing, shall dismiss such cauzy from his office.—*Reg.* XVII. 1793, *Sect.* 23.

Benares Reg. V. 1800, Sect. 21.

Ceded Prov. Reg. XXVIII. 1803, Sect. 21.

Distrainer, cauzy, and appraisers, not to purchase the property.

56. The distrainer, the cauzy, and the appraisers, are prohibited purchasing directly or indirectly any part of the property. Any cauzy or appraiser offending against this prohibition, shall be compelled to restore the property to the defaulter, or the full value of it, in the event of its being injured, damaged, destroyed, or not forthcoming, and shall forfeit the

purchase money which shall be appropriated to the liquidation of the arrear, and pay all costs of suit; and the Court shall report the circumstances to the Sudder Dewanny Adawlut, for the information of the Governor General in Council, who, if there shall appear to him sufficient ground for so doing, shall dismiss such cauzy from his office. Distrainers acting contrary to the prohibition contained in this action shall be compelled to restore the property to the defaulter, or the full value of it, if it shall have been injured, damaged, or destroyed, or shall not be forthcoming, and shall likewise forfeit to him the arrear for which the property may have been attached, and pay all costs of suit.—*Reg.* XVII. 1793, *Sect.* 24.

Penalty.

Benares Reg. XLV. 1795, Sect. 22.

Ceded Prov. Reg. XXVIII. 1803, Sect. 22.

57. Neither the defaulter, nor any person on his behalf, shall be permitted to bid for or purchase the property.—*Reg.* XVII. 1793, *Sect.* 25.

Defaulters not to bid for or purchase their property.

Benares Reg. XLV. 1795, Sect. 23.

Ceded Prov. Reg. XXVIII. 1803, Sect. 23.

58. The property shall be paid for in ready money at the time of the sale, and the purchaser shall not be permitted to carry away any part of the property which shall not have been paid for. Should the purchaser fail in the payment of the whole or part of the purchase money within five days, calculating from the day following the sale, the whole of the property or the part of it which may be unpaid for, shall be resold by the cauzy on such day as he shall fix, for the best price that may be offered for it. The defaulting purchaser shall forfeit to the distrainer, ten per cent. on the amount of the price at which he shall have purchased the property so resold, and make good to him any loss that may arise, as well as the expenses that may be incurred, on the resale. If any profit shall accrue on the resale, it shall be carried to the credit of the defaulter.—*Reg.* XXXV. 1795, *Sect.* 7.

New rule regarding the payment of the purchase money for distrained property.

Benares Reg. XLV. 1795, Sect. 24.

Ceded Prov. Reg. XXVIII. 1803, Sect. 24.

SECT. IX.

Cognizance of Causes arising out of Distraint.

59. Suits which may be instituted under the present Regu-

Suits under this

regulation to be decided on summary enquiry under Regulation VII. 1799.

lation, shall be decided on a summary inquiry, under the provisions contained in Regulation VII. 1799.—*Reg.* V. 1812, *Sect.* 20.

All such cases to be referred immediately to the Collectors for report under Section 13, Regulation VIII. 1794.

60. In order, likewise further to expedite the decision on such cases, the whole of them shall be referred as soon as instituted to the Collectors for their report under the rule contained in Section 13, Regulation VIII. 1794.—*Reg.* V. 1812, *Sect.* 21.

Collectors to furnish periodical returns of the execution of the above mentioned duty.

61. It shall be the duty of the Board of Revenue and Board of Commissioners to obtain from the Collectors, such periodical returns regarding the execution of the above mentioned duty, as may appear best calculated to satisfy those Boards that no delay occurs in the performance of it.—*Reg.* V. 1812, *Sect.* 22.

Persons dissatisfied with summary decisions, may institute regular suits.

62. Any person who may be dissatisfied with the judgments which may be passed under the summary enquiries above-mentioned, shall be at liberty on the principle of the rules established by the existing Regulations, to institute a regular suit for the more formal investigation of the merits of the case. —*Reg.* V. 1812, *Sect.* 23.

Persons deeming themselves injured by the distraint and sale of their property, may seek redress in the Dewany Adawlut.

Persons vested with the powers of distraint, to have the option of prosecuting in the Dewanny Adawlut for arrears.

Bengal, Behar, Orissa and Benares.

63. Nothing contained in this Regulation shall be construed to prohibit persons whose property may have been distrained or sold from instituting a suit in the Court of Dewanny Adawlut of the zillah against the distrainer, for any injury which they may think they have hereby sustained. Nor to prevent the several descriptions of landholders or farmers of land, or other persons vested with the power of distraint, from prosecuting in the Court of Dewanny Adawlut of the zillah for arrears due to them from any under-farmer, ryot, or dependant talookder, or their sureties, should they prefer the last mentioned mode of procedure to distraining and selling the personal property of the defaulter, or, in the cases authorized, of his surety, for the recovery of the arrears under this Regulation.— *Reg.* XVII. 1793, *Sect.* 33.

Benares Reg. XLV. 1795, Sect. 31.

Strictest observance required of Sect. 34, Regulation XVII. 1793, and Section 22. Regulation III. 1794.

64. The civil courts are already directed by Section 34, of Regulation XVII. 1793, to hear and determine all suits instituted under that Regulation previous to any others that may be depending; and in Section 22, of Regulation III. 1794, they are instructed to appropriate one day in each week, or two or more days if necessary, for the trial of suits regarding the rent

of land and the public revenue assessed thereupon. The strictest observance of these rules is required from the zillah and city Judges and their Registers, as well as from the Courts of appeal when cases of the above description may be under appeal; and in all cases cognizable by the native Commissioners appointed under Regulation XL. 1793, they are to hear and determine suits respecting rent or revenue before any others that may be depending. It is further hereby declared that Section 33, of Regulation XVII. 1793, which authorizes persons whose property may have been distrained to sue for any injury sustained thereby in the zillah Dewanny Adawlut, and allows landholders and farmers of land to sue defaulters or their sureties in the zillah Dewanny Adawlut for arrears of rent, instead of distraining their property, if such mode of procedure be preferred by them, was not meant to restrict the native Commissioners appointed under Regulation XL. 1793, from taking cognizance of any suits of the above description not exceeding fifty Sicca Rupees, whether preferred to them in the first instance in their capacity of Moonsiffs, or referred to them by the Judges of the Dewanny Adawlut under the provisions contained in the above Regulation.—*Reg.* VII. 1799, *Sect.* 13.

And native Commissioners under Regulation XL. 1793, to determine suits respecting rent or revenue before any others depending.

Explanation of Sect 33, Reg. XVII. 1793.

Not meant to restrict native Commissioners from taking cognizance of suits for rent or revenue not exceeding fifty Sicca Rupees.

Benares Reg. V. 1800, Sect. 13.

65. Nothing contained in this Regulation shall be construed to prohibit any persons whose property may have been distrained or sold, from instituting a suit in the Court of Dewanny Adawlut of the jurisdiction, against the distrainer, for any injury which they may think they have thereby sustained. Nor to prevent the several descriptions of landholders, or farmers of land, or other persons vested with the power of distraint, from prosecuting in the Court of Dewanny Adawlut of the jurisdiction, for arrears due to them from any under-farmer, ryot, or dependant zemindar, or putteedar, or their sureties, should they prefer the last mentioned mode of procedure, to distraining and selling the personal property of the defaulter, or in the cases authorized, of his surety, for the recovery of the arrears under this Regulation. But this shall not be construed to restrict the native Commissioners appointed under Regulation XVI. 1803, from taking cognizance of any suits of the above description, (the amount of which they may be competent to decide by that Regulation) whether preferred to them in

Persons deeming themselves injured by the distraint and sale of their property, may seek redress in the Dewanny Adawlut.

Ceded Provinces.

Persons vested with the power of distraint, to have the option of prosecuting in the Dewanny Adawlut for arrears.

This not to restrict native Commissioners from taking cognizance of suits for rent or revenue.

the first instance in their capacity of Moonsiffs, or referred to them by the Judge of the Dewanny Adawlut, under the provisions in that respect established, in the aforementioned Regulation.—*Reg.* XXVIII. 1803, *Sect.* 30.

Suits instituted under this Regulation, to be tried in preference to all other suits.

66. All suits that may be instituted under this Regulation are to be heard and determined previous to any other suits which may be depending.—*Reg.* XVII. 1793. *Sect.* 34.

Benares Reg. XLV. 1795, Sect. 32.

Ceded Prov. Reg. XXVIII. 1803, Sect. 31.

Moonsiffs appointed under Regulation V. 1831, declared competent to award damages in cases of illegal distraint or attachment.

67. In those districts in which Moonsiffs may be appointed under the provisions of Regulation V. 1831, those Moonsiffs shall be competent, in addition to the authority now possessed by Moonsiffs generally, of receiving, trying, and deciding claims to arrears of rent preferred by regular suit, in like manner to dispose of all claims perferred by under-tenants or others, who may be desirous of resisting the distraint of their property or the attachment of their persons; or who may prefer a claim for damages on account of such acts.—The rule contained in Section 13, Regulation XXIII. 1814, or any other Regulation, prohibiting the award of damages by Moonsiffs, shall not be considered applicable to such claims.—*Reg.* VIII. 1831, *Sect.* 11.

Rules prohibiting award of damages by Moonsiffs, declared inapplicable to such cases.

SECT. X.

Aid to be given by the Police Darogahs in cases of distraint.

Provision of former Regulations modified.

68. Section 8, Regulation III. 1812, is hereby rescinded, and the provisions contained in Sections 9, 10 and 11, Regulation VII. 1799, in Sections 9, 10 and 11, Regulation V. 1800, and in Sections 17 and 19, Regulation XXVIII. 1803, as far as they authorize any aid to be given by the police officers to distrainers, for arrears of rent, are declared subject to the following modifications.—*Reg.* XX. 1817, *Sect.* 28, *Cl.* 1.

Darogah shall issue a written process upon occasion of resistance made or apprehended, to an authorized distrainer.

69. Landholders, farmers and their local agents, or other persons empowered by the Regulations to distrain for arrears of land rent, who may be opposed, or may be apprehensive of resistance in effecting the regular distraint, or in maintaining possession of property previously distrained, are authorized to apply to the darogah of the thannah, in whose jurisdiction the property may be, for assistance in making or maintaining the regular distraint; and the darogah, in order to support the

distrainer and to prevent a breach of the peace, shall, on the distrainer certifying on oath or by a solemn declaration the opposition he has experienced, or the resistance which he apprehends, depute a muskooree peon, with a written process, bearing the seal of the thannah and signature of the darogah, and drawn up according to the form No. 20 of the Appendix.—*Reg.* XX. 1817, *Sect.* 27, *Cl.* 2.

FORM No. 20.

Process to be delivered to a muskooree peon, deputed to aid a distrainer.

Whereas (name of the distrainer or of his local agent,) has made oath before me, that he has been opposed or that he fears he may be opposed, in effecting the distraint of certain property, belonging to ; which he considers it necessary to attach for the recovery of an arrear of land rent, amounting to Rupees due from (name of the defaulter or of his security;) the bearer of this process (name of the muskooree peon) has been deputed from this thannah to aid the distress of the property of the said (name of the defaulter or security;) and it is hereby notified to the said (name of the defaulter or security,) that if he disputes the justness of the arrear demanded, it behoves him to apply forthwith under the provisions of Sections 15 and 16, of Regulation V. 1812, to the Judge or Collector of the zillah, or to the cauzee, or moonsiff of the pergunnah; but that, in the mean time, he is required either to liquidate the amount claimed, or to allow his property to be peaceably distrained, under penalty of disobedience to this requisition, of suffering such punishment as the Magistrate may, under the Regulations, judge proper to inflict.—*No.* 20, *Appendix to Reg.* XX. 1817.

Deputed peons shall attend to the proceedings of the distrainer.

70. It shall be the duty of the muskooree peon to exhibit to the defaulter the process prescribed by the preceding clause and to use every means in his power to prevent resistance or other breach of the peace; and unless the arrear is liquidated to support the distrainer in the exercise of the powers vested in him by the Regulations. He shall also give due attention to the whole conduct and proceedings of the distrainer, so as to be able to give evidence thereon, if afterwards required, either before the Judge or Magistrate.—*Reg.* XX. 1817, *Sect.* 27, *Cl.* 3.

Resistance being offered to the peon, darogah or moherir or jummadar, shall proceed to his as-

71. Whenever any peon deputed under the foregoing rules may depose that he has been opposed in the execution of such duty, or the darogah may be satisfied from the representation

sistance. These officers only shall search dwelling houses for distrained property.

made on oath by the distrainer, in the first instance, that any resistance has been offered, amounting or likely to amount to a breach of the public peace, the darogah of police shall either proceed in person or shall depute the moherir or jummadar of the thannah, to support the distrainer and maintain the peace. He shall also proceed in person, or depute the moherir or jummadar of the thannah, whenever it may be proposed by a distrainer under the powers vested in him by the Regulations, to force open the outer door, or to search the private apartments of a dwelling house in which the distrainable property of a defaulter may appear to have been concealed.—*Reg.* XX. 1817, *Sect.* 27, *Cl.* 4.

Burkundauzes shall assist in distraint, under orders of darogah, moherir or jummadar only.

72. The regular burkundauzes of the police establishment shall not be employed to aid distrainer for arrears of land rent, except in cases where the darogah, moherir or jummadar may proceed in person under the rules above prescribed.—*Reg.* XX. 1817, *Sect.* 27, *Cl.* 5.

Landholders, indigo planters, and others shall not use stocks or other instrument of restraint.

73. The landholders, farmers and other local agents, and indigo planters, and other persons, are prohibited from using stocks, or any other instrument of restraint, for the purpose of confining ryots, or other individuals indebted to them, on any account whatever; and the darogahs of police shall report to the Magistrates, for such orders or process as may appear proper under the general Regulations, all instances which may come to their knowledge of a violation of this rule.—*Reg.* XX. 1817, *Sect.* 27, *Cl.* 6.

Allowance and mode of payment of peons employed in distraint, not in the service of Government.

74. Whenever any muskooree peons, not receiving wages from Government, may be employed by a police darogah under the provisions of this Regulation, he shall receive tulubana, or diet allowance from the person at whose instance he may be employed, at the rate of two annas per diem; and the darogah shall not issue any process by the hands of a muskooree peon, until the estimated amount of the tulubana, required for the fixed allowance of the peon at the above rate, during his employment, is deposited in advance; the darogahs are enjoined to prevent the muskooree peon from demanding or receiving, directly or indirectly, from any party, in cases in which they may be employed, any allowance or gratuity, exceeding the above rate, and shall report to the Magistrate any instances which may come to their knowledge of the violation of this rule.—*Reg.* XX. 1817, *Sect.* 27, *Cl.* 7.

SECT. XI.

Penalty for unfounded Charges against the Distrainer.

The Courts of Justice to discourage and punish unfounded complaints against persons attaching property or officers employed in collecting the rents; as well as their being summoned as witnesses merely to create embarrasment and delay in the collections.

75. It being a frequent practice with the under-tenants to lodge unfounded complaints in the Foujdarry Adawlut against persons attaching their property, as well as against the whole of the officers employed in collecting their rents, and likewise to cause their being summoned as witnesses in causes with the merits and circumstances of which they are totally unacquainted, for the sole purpose of creating embarrassment and delay in the collection of the rents, the courts of justice are required at all times to discourage and punish such culpable practises as far as the powers vested in them by the Regulations may admit. Section 10, of Regulation IX. 1793, is to be strictly enforced in all cases of litigious and unfounded complaints, of the nature herein referred to, before the Magistrate, and in instances of the zemindarry officers or others employed in the collections being improperly summoned, as witnesses, in the civil courts, the party who summoned them should be compelled, under Section 6, Regulation IV. 1793, to make them such allowance for their expenses as may be sufficient for their full indemnification.—*Reg.* VII. 1799, *Sect.* 12.

Section 10, of Regulation IX. 1793, and Section 6, of Regulation IV. 1793, to be strictly enforced in such cases.

Benares Reg. V. 1800, Sect. 12.

CHAPTER X.

SALE OF LANDS ON DECREES OF COURT.

SECT. I.

General Rules for the Sale.

Copy and translate of decrees, to be enforced by the sale of malguzzary lands, to be transmitted to the Board of Revenue.

1. When a Court of Civil Judicature shall have occasion to have recourse to the sale of Lands paying Revenue to Government, in satisfaction of a decree, the Court by which the decree is to be enforced, is to transmit a copy of the decree, without any other part of the proceedings, and a translate of it in English, to the Board of Revenue.—*Reg.* XLV. 1793, *Sect.* 2.

Benares Reg. XX. 1795, Sect. 2.

Ceded Prov. Reg. XXV. 1803, Sect. 16.

Board of Revenue to proceed to the sale of the Lands without delay.

2. The Board of Revenue are to proceed with all practicable dispatch to dispose of such portion of the Lands of the party against whom the decree may be given, as may be sufficient to make good the amount of it. The Board are to cause the Lands to be disposed of at the Presidency, or in the zillah in which the Lands may be situated, according as they may deem most advantageous for the proprietor. The Board are to report for the information of the Governor General in Council, all orders for sales of Land which they may issue under the powers vested in them by this Regulation immediately on the same being issued by them.—*Reg.* XLV. 1793, *Sect.* 3.

Orders for sales of Lands to be reported to the Governor General in Council.

Benares Reg. XX. 1795, Sect. 3.

Ceded Prov. Reg. XXVI. 1803, Sect. 17.

Parts of the Regulations in force relating to sale of lands, in satisfaction of decrees of Courts explained and modified.

3. Such parts of Regulations XLV. 1793, XX. 1795, and XXVI. 1803, or of any other Regulation in force, relative to the sale of lands, in satisfaction of Decrees of the Courts of Civil judicature, as require that sales of landed property, in execution of such Decrees, shall be made by the Collectors of the public Revenue, or other Officers of Government in the Reve-

nue Department, are hereby explained and modified, as follows.—*Reg.* VII. 1825, *Sect.* 2, *Cl.* 1.

The Courts how to proceed when a sale of landed property cannot be effected without application to the Revenue authorities.

4. When it may be necessary to have recourse to a sale of landed property in execution of a decree, or other Judicial process, and the property pointed out for sale, by the person desiring execution of the decree, or other process, may not be such as the Court empowered to enforce the same, is authorized to bring to sale, without application to the Revenue Officers of Government, the Court whose duty it may be to execute the decree or process, shall transmit a copy and translation of the decree, or other process, to the local Board of Revenue, as directed in Regulations XLV. 1793, XX. 1795, and XXVI. 1803, and shall at the same time transmit a statement of the lands which the person entitled to the benefit of the decree, or other process, may point out as belonging to the person or persons, from whom the amount may be demandable.—*Reg.* VII. 1825, *Sect.* 4, *Cl.* 2.

The Board of Revenue to instruct the Collector of the District in which the lands may be situated to select for sale any part of them which may appear more convenient.

5. The Board of Revenue on receipt of the documents above noticed, will proceed as directed in the Regulations referred to and shall furnish the Collector of the district in which the lands proposed for sale may be situated, with a copy of the statement so received; instructing him to select for the sale, any part of the lands included in the statement, which it may appear most convenient to sell in execution of the decree, or other process; and the sale of which may appear sufficient for that purpose.—*Reg.* VII. 1825, *Sect.* 4, *Cl.* 3.

Publication of the sale, where to be made, how long to be fixed up, and what it is to contain.

6. Previous to any sale of land taking place, a publication is to be made in the Persian and Bengalee Languages, if the lands shall be situated in Bengal or Orissa, or, in the Persian language and in the Hindoostanee language and Naguree character, if the lands shall lie in Behar, specifying the jumma at which the lands or the several lots of them, if they are ordered to be sold in two or more lots, are to be disposed of, and the place, date, and hour of the day, fixed for the sale, and the proportion of the Revenue payable on account of the year in which the sale of the lands may take place, for which the purchaser is to be responsible, or, if the exact proportion cannot be ascertained, the rules by which the amount of it is to be adjusted. The publication is to be fixed up in some conspicuous place in the Court room of the Dewanny Adawlut of the zillah, the office of the Collector, the principle

town or village in the lands to be sold; and the office of the Secretary to the Board of Revenue. The publications to be fixed up at the several places above-mentioned for a term of not less than one mouth before the sale takes place. The other conditions of sale contained in Sections 13 and 14, as well as any other stipulations that may be made, are to be fixed up in a conspicuous part of the room in which the sale may be directed to take place, on the day of sale, and during the three days preceding it.—*Reg.* XLV. 1793, *Sect.* 12.

Other conditions of sale to be fixed up in the room in which the sale is to take place.

Benares Reg. XX. 1795, Sect. 12.

In the event of any claim or objection against the sale, the Collector shall communicate the same to the Court and shall be guided by the instructions he may receive.

7. In the event of any claim being preferred, or objection offered, to the Collector, against the sale of the lands proposed to be sold, as not belonging to the person or persons answerable for the amount of the decree, or other process, to be enforced, and consequently not liable to be sold in execution thereof, the Collector shall communicate such claim, or objection, with any information which his official records may enable him to furnish on the subject, to the Court, which may have applied for the sale; and shall be guided by the instructions which he may receive in answer, whether to proceed with the sale, or otherwise.—*Reg.* VII. 1825, *Sect.* 4, *Cl.* 4.

In cases where objections are communicated by Collectors, or claims preferred to lands ordered for sale, the Judge, &c. to institute a summary inquiry, and if requisite to instruct the Collector to postpone the sale.

8. In all cases of a claim, or objection, being communicated by a Collector to the Court, enforcing a decree or other process, under the foregoing clause, or of a claim to lands proposed for sale in execution of judicial process, being received from the claimant, by the Judge, or other Officer, who may have required the sale, it shall be his duty to enter upon an immediate summary inquiry into the truth and foundation of such claim; and if it appear proper he shall instruct the Collector to postpone the intended sale until such inquiry shall have been completed. Provided however that such postponement shall not be necessary when the claim, or objection, may not have been preferred within a reasonable time, after the Collector's publication of the intended sale, and may appear to have been intentionally delayed, with a view to obstruct the sale. In such cases the Court may order the sale to take place; and refer the claimant to a regular suit, in prosecution of his claim. —*Reg.* VII. 1825, *Sect.* 4, *Cl.* 5.

Such postponement to be held unnecessary if the claim has not been preferred within a reasonable period.

All Judicial authorities who may have ordered sales of lands by Revenue Officers em-

9. A doubt having been entertained whether public sales of land, made by the Revenue officers of Government, in satisfaction of decrees or other process of the Court of Judicature,

can be summarily set aside, without a regular civil suit, or proof of irregularity in publishing and conducting the sale, or otherwise;* it is hereby declared that the zillah or city Court, or other Judicial authority, who may have ordered the sale in such cases, shall be competent to declare the same null and void, and to order a re-sale in the mode prescribed by the Regulations, if, on summary enquiry, any material deviation therefrom, and consequent irregularity in the sale, be satisfactorily established; provided that a petition containing a circumstantial statement of such irregularity, and written on the stampt paper required for miscellaneous petitions in the zillah and city Courts, be presented to the Court by which the sale may have been ordered, within a month after the sale. In such cases the Court directing the sale to be set aside shall further be competent to direct a return of the purchase money, with or without interest, as provided for in similar cases, by the Fourth Clause, of Section 3, of this Regulation.—*Reg.* VII. 1825, *Sect.* 5, *Cl.* 1.

powered to declare such sales null and void, and to order a resale, if on summary enquiry, any material irregularity be satisfactorily established.

Proviso.

In certain cases the purchase money to be returned with or without interest.

10. The summary decisions passed under this Section shall be open to a summary appeal to the Provincial Courts, under the general Rules for such appeals.—*Reg.* VII. 1825, *Sect.* 5, *Cl.* 2.

Summary decisions passed under this Section appealable to the Provincial Courts.

11. Where a sale of the Lands of any person shall have been ordered to take place in satisfaction of a decree, the Court by which the decree may have been passed, or to which the enforcing of it may be committed, is empowered in the event of the amount of the decree being discharged, or for other cause that may appear to them sufficient, to countermand or postpone the sale, by issuing a precept to that effect to the Collector, if the Lands shall have been ordered to be sold by the Collector, or by an address to the Board of Revenue, if the Land shall have been directed to be sold by them, in which precept or address, the Court shall state their reasons for ordering the sale to be countermanded or postponed, and in the latter case, if it shall appear to them proper so to do, they may prescribe a date for the sale of the Lands. The Board of Revenue and the Collector are to conform to the requisitions of such precepts or addresses from the Courts for countermanding or suspending the sale of Lands.—*Reg.* XLV. 1793, *Sect.* 16.

Courts empowered to countermand or postpone sales of Lands, ordered to be made in satisfaction of decrees.

Benares Reg. XX. 1795, Sect. 16.

Ceded Prov. Reg. XXVI. 1803, Sect. 24.

Rules prescribed by this Regulation for the sale of malguzzary lands, on account of any public demand, to be held applicable to the sale of lands of a similar description, when disposed of in satisfaction of decrees of the Court of Justice.

Ceded Provinces.

12. In addition to the foregoing rules, the rules prescribed by this Regulation, respecting the sale of lands paying revenue to Government, for the recovery of arrears of revenue, or other public demand, shall be considered applicable to the sale of lands of a similar description, in satisfaction of decrees of the Courts of Justice, as far as such rules may apply to the circumstances thereof.—*Reg.* XXVI. 1803, *Sect.* 25.

Joint estates and estates under attachment, only to be sold at the end of the year.

13. Joint estates shall not be liable to sale for arrears that may accrue during the progress of a Butwarra or partition, until the expiration of the year within which the arrear may become due. In like manner, estates under attachment by order of the Courts of Justice, shall not be liable for sale in the middle of the year, for arrears accruing during the period of such attachment.—*Reg.* XI. 1822, *Sect.* 3, *Cl.* 3.

SECT. II.

Attachment of Lands ordered to be sold.

Board of Revenue empowered to order the attachment of Lands directed to be sold.

14. The Board of Revenue are empowered, in cases in which it may appear to them expedient, to direct the Collector to attach the lands ordered to be sold, by deputing an Ameen to take charge of them, or by placing them under the nearest tehseeldar or other revenue officer. The officer to whom the lands may be committed is to collect the rents and revenues, to prevent waste being committed by the proprietor, and to furnish any information that may be required for the adjustment of the jumma.—*Reg.* XLV. 1793, *Sect.* 5.

Benares Reg. XX. 1795. Sect. 5.

Ceded Prov. Reg. XXVI. 1803, Sect. 19.

Board of Revenue to conduct sales of land under the Regulations.

Their responsibility, and objects to be attended to by them.

Ceded Provinces.

Collectors to propose, and Board of Revenue to approve, establishments of officers to be employed during the attachment of lands.

15. The Board of Revenue, who are empowered by this Regulation to conduct the sales of land in the mode therein prescribed, will consider themselves responsible for the careful execution of this duty; and are required to be particularly attentive to the proper selection of lands for sale by the Collectors, as well as to the due allotment of the public assessment thereupon, in conformity to the Regulations. They are also authorized to fix the establishments of native officers which may be necessary, during the attachment of lands for sale, the expense of which shall be defrayed from the produce of the lands, as provided in Regulation XXVII. 1803; and statements of all such establishments shall be submitted by the

Collectors, for their approval, as soon as possible after the attachment may take place. In preparing such statements, the Collector shall be careful not to propose a greater number of officers, or greater allowances to the officers employed, than may be indispensibly necessary; and the Board of Revenue, in approving such establishments, shall give particular attention that this principle is duly observed. The Collectors shall also nominate, for the approbation of the Board of Revenue, the Aumeens and other principal native Officers to be employed in the management of lands under attachment, with the sureties to be taken for their appearance under Section 2, of Regulation XXXIII. 1803; and will be held responsible for the utmost regard to the qualifications, and character of the persons so appointed by them.—*Reg.* XXVI. 1803, *Sect.* 28.

Objects to be attended to in proposing and approving such establishments.

Collectors also to nominate, and Board of Revenue to approve, the principal officers to be employed in the management of lands under attachment, with their sureties.

Responsibility of Collectors in all such appointments.

16. The expenses attending the attachment and sale of the Lands, after being approved by the Board of Revenue, are to be charged to the account of the proprietor, and are to be defrayed either from the collections made from the Lands, or from the proceeds of the sale, if the collections shall be insufficient for that purpose.—*Reg.* XLV. 1793, *Sect.* 6.

Expenses of the attachment and sale to be defrayed by the Proprietor.

Benares Reg. XX. 1795, Sect. 6.

Ceded Prov. Reg. XXVI. 1803, Sect. 20.

17. The proprietor of the Lands to be sold may appoint his dewan, or any other person whom he may think proper, to keep a counterpart of the accounts of the receipts and disbursements of the Aumeen. The Aumeen is to collect according to the engagements that may subsist between the Proprietor and his dependant talookdars, under-farmers and ryots, and is not to make any alterations whatever in such engagements, or exact more than the amount specified in them, whether they be conformable to Regulation XLIV. 1793, or not; and he shall be liable to a prosecution in the Dewanny Adawlut, for any alteration or infringement of such engagements in opposition to this Section. In cases in which no engagements may exist between the proprietor and his dependant Talookdars, under-farmers or ryots, the Aumeen is to collect from them according to the established rates and usages of the Pergunnah. The Aumeen shall likewise be subject to a prosecution by the proprietor or farmer of the Estate for embezzlement, or injuries done to the Estate or Farm during the time that the col-

Proprietor of the lands may appoint Officers to keep counterparts of the Aumeen's accounts.

Rules to be observed by the Aumeen in making the collections.

lection of the Rents and Revenues of it may be entrusted to him.—*Reg.* XLV. 1793, *Sect.* 7.

Benares Reg. XX. 1795, Sect. 7.

Ceded Prov. Reg. XXVI. 1803, Sect. 21.

Rules in the preceding Section applicable to tehseeldars or other officers appointed to take charge of the lands ordered to be sold.

18. The Rules in the preceding Section with regard to Aumeens, are to be considered equally applicable to Tehseeldars or other Officers to whose charge Lands ordered to be sold may be committed.—*Reg.* XLV. 1793, *Sect.* 8.

Benares Reg. XX. 1795, Sect. 8.

Ceded Prov. Reg. XXVI. 1803, Sect. 22.

Punishment for resisting or causing to be resisted, the officer deputed to attach the lands to be sold.

19. If a proprietor, or (if the Lands be let in farm) a farmer, or his surety shall resist, or cause to be resisted the Aumeen or other Officer whom the Collector by the authority of the Board of Revenue may direct to attach Lands ordered to be sold, the Collector is to proceed against the offender in the manner in which he is directed in Regulation XIV. 1793, to proceed against proprietors and farmers, or their sureties, who resist the process which he may issue under Section 5 of that Regulation, and all the rules contained in that Regulation, respecting proprietors, farmers, or sureties, who may resist or cause to be resisted the process issued by Collectors under that Section, are to be considered applicable to proprietors, farmers, or sureties, who may resist or cause to be resisted, the Officer who may be ordered by the Collector to attach their lands under Section 5 of this Regulation. Any other descriptions of persons guilty of the offence specified in this Section, shall be subject to the same process and punishment as sureties so offending.—*Reg.* XLV. 1793, *Sect.* 9.

Benares Reg. XX. 1795, Sect. 9.

Ceded Prov. Reg. XXVI. 1803, Sect. 23.

SECT. III.

Allotment of Jumma on Estates ordered to be sold.

Public Revenue to be charged on the lands sold, to be fixed agreeably to Section 10, Regulation I. 1793.

20. The public jumma or revenue to be charged on the portion of any estate ordered to be put up to sale, is to be adjusted agreeably to the principles prescribed in Section 10, Regulation I. 1793.—*Reg.* XLV. 1793, *Sect.* 4.

Benares Reg. XX. 1795, Sect. 4.

Ceded Prov. Reg. XXVI. 1803, Sect. 18.

Penalty for proprietors or farmers

21. The proprietor, or (if the lands be let in farm) the far-

mer of the lands ordered to be sold, upon receiving a written order for that purpose from the Collector under his official seal and signature, shall attend the Aumeen or other officer in person, or order an agent duly empowered and informed, to attend him, if the Collector shall deem it sufficient to require the attendance of an Agent only, with any accounts of the collections and jumma of the lands ordered to be sold, or the estate of which they may form a part, for the purpose of adjusting the jumma at which the lands are to be disposed of. If the proprietor or farmer shall omit or refuse to attend, or to cause an agent of the description above specified, to attend by the time prescribed in the Collector's requisition, with the accounts and information required, the Board of Revenue are empowered to impose such daily fine upon him until he complies with the Collector's requisition, as they may think adequate to his situation and circumstances in life, reporting however the amount for the confirmation of the Governor General in Council. The fine is to be levied by the same process as is prescribed for the recovery of arrears of revenue.—*Reg.* XLV. 1793, *Sect.* 10.

who may not attend or depute an Agent with the accounts and information necessary for the adjustment of the jumma.

Bengal, Behar, Orissa, Benares.

Benares Reg. XX. 1795, Sect. 10.

22. The proprietor or farmer shall likewise cause the putwarries to attend the Aumeen, or other officer, to assist him in making the collections, and for the purpose of furnishing him with the accounts and information necessary for adjusting the jumma as required by Section 62, Regulation VIII. 1793, as well as any other of the zemindarry officers whose assistance or attendance may be required for the above purposes, upon receiving a written requisition from the Collector to that effect, and in the event of his omission or refusal, he shall be subject, to the same penalty as for the breach of the Rules in the preceding Section.—*Reg.* XLV. 1793, *Sect.* 11.

Proprietors and farmers to cause the attendance of the putwarries and zemindarry officers on the Aumeen or officer on receiving a written requisition to that effect from the Collector.

Ditto.

Benares Reg. XX. 1795, Sect. 11.

SECT. IV.

Purchasers and Purchase Money.

23. A deposit of five per cent. on the amount of the purchase money is to be made at the time of the sale by the purchaser of the Lands. If the purchaser shall omit to discharge the purchase money within the period which may be stipulat-

Deposit of five per cent. to be made by the purchaser at the time of the sale.

Consequences of not paying the pur-

chase money by the limited time.

Bengal, Behar, Orissa, Benares.

ed, he is to forfeit the deposit to Government, and the Lands are to be resold at such purchaser's expense. If the Lands shall be disposed of at a lower price than that offered by the first purchaser, he is to make good the deficiency. If a profit shall arise on the second sale, it is to be carried to the credit of the proprietor.—*Reg.* XLV. 1793, *Sect.* 13.

Benares Reg. XX. 1795, Sect. 13.

First purchaser how to be proceeded against in the event of his omitting to make the deposit, or to pay any deficiency or expense arising on a resale.

Ditto.

24. If the first purchaser shall refuse or omit to make the deposit, or to pay within the required time the amount of the deficiency and the expenses arising on the resale, after being served by the Collector of the zillah in which he may be or reside, or by the Board of Revenue, if he shall be in Calcutta, with a written demand for the amount similar to that directed in Section 3, Regulation XIV. 1793, to be served on proprietors and farmers of land from whom arrears of revenue are due, the amount shall be levied from him by the same process as is prescribed for enforcing decrees of the Courts of Judicature. —*Reg.* XLV. 1793, *Sect.* 14.

Benares Reg. XX. 1795, Sect. 14.

Purchasers not to be responsible for arrears or suspensions of revenue unless otherwise stipulated.

Ditto.

By whom arrears and suspensions of revenue are to be made good.

Rule respecting arrears of rent or revenue due to the former proprietor.

25. The purchasers of land sold under this Regulation, are not to be held responsible for any arrears or suspensions of revenue that may be due to Government from the lands prior to the year in which the purchase may be made, unless it shall be otherwise stipulated in the conditions of sale. Arrears or suspensions not so stipulated to be made good by the purchaser, are to be paid from the proceeds of the sale, or by the former proprietor, or recovered by the prescribed process against any other property which he may possess, or against both his property and person if necessary. Arrears of rent or revenue that may be due to the former proprietor from his dependant talookdars, under-farmers, or ryots preceding the date on which the lands may be sold, are to belong to him, and are to be recoverable by him by suit in the Dewanny Adawlut of the zillah. The defaulting proprietor however shall be at liberty to transfer his right to such arrears to the new proprietor. —*Reg.* XLV. 1793, *Sect.* 15.

Benares Reg. XX. 1795, Sect. 15.

In all cases of sale of property, the Bidders shall be apprised that nothing is guaranteed to them beyond their rights

26. In all cases of a public sale of property under this Regulation, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land, or other property sold, beyond the rights and interest therein of the Indi-

viduals answerable for the amount of the decree, or other process, in execution of which the sale is made.—*Reg.* VII. 1825, *Sect.* 3, *Cl.* 7.

and interests of the individuals answerable for the amount of the decree.

27. The provision contained in the last Clause of the foregoing Section shall be considered applicable to all public sales of land made by the Collectors, or other officers of Government, in the Revenue Department, in execution of decrees of the Courts of Judicial process; and the following additional Rules are prescribed respecting such sales, in modification of those now in force.—*Reg.* VII. 1825, *Sect.* 4, *Cl.* 1.

The provision contained in the foregoing clause declared applicable to all public sales of land made by Collectors or other Revenue officers in execution of decrees of the Courts of Judicature or of other judicial process.

28. The rules in the preceding Sections are to be considered applicable to lands held exempt from the payment of Revenue to Government as far as they may be applicable to the circumstances thereof, with this addition, that the purchaser of such exempted lands is to be considered as having succeeded only to the rights of the former proprietor, and that the transfer is not to bar any claims of Government for the recovery of the public dues from such lands under Regulations XIX. and XXXVII. 1793, or any other Regulation that may be hereafter enacted.—*Reg.* XLV. 1793, *Sect.* 17.

Rules in the preceding Sections to be applied to lands held exempt from the payment of revenue to Government, as far as they are applicable.

Transfer of such exempted lands by public sale in liquidation of decrees not to effect the right or claims of Government.

Benares Reg. XX. 1795, Sect. 17.

Ceded Prov. Reg. XXVI. 1803, Sect. 26.

SECT. V.

Special Rule for Benares.

29. In view to the nature of tenures in the province of Benares, and to the numerous subordinate titles to land that exist within the same talooka, or zemindarry, or village, or villages, the revenue assessed on which is often rendered payable under one poltah, by no more than one or more of the principal proprietors, as set forth in Regulation II. and VI. 1795 it is to be understood, that the purchaser of lands thus situated, in which there shall be more than one person possessing superior or subordinate proprietary claims, is to be considered as having purchased and succeeded to the proprietary rights only of the party or parties on whose account the sale shall be declared to be made, without otherwise affecting the other proprietary titles within the tenure.—*Reg.* XX. 1795, *Sect.* 19.

Sales to affect no more than the proprietary right or the party or parties on whose account they are declared to be made in the province of Benares.

Benares.

SECT. VI.

Sale of Houses, Gardens, Orchards, and small portions of Rent-free Land.

Parts of the Regulations in force relating to sale of lands, in satisfaction of decrees of Courts, explained and modified.

30. Such parts of Regulations XLV. 1793, XX. 1795, and XXVI. 1803, or of any other Regulation in force, relative to the sale of lands, in satisfaction of decrees of the Courts of civil judicature, as require that sales of landed property, in execution of such decrees, shall be made by the Collectors of the public revenue, or other officers of Government in the Revenue Department, are hereby explained and modified, as follows:—*Reg.* VII. 1825, *Sect.* 2, *Cl.* 1.

Sales of houses, gardens, orchards and small portions of Lakheraj land in execution of decrees, to be conducted under the authority of the judicial officers.

31. The rules contained in the Regulations above-mentioned shall not be considered applicable to the sale of houses, gardens, orchards, and small portions of land held exempt from the public assessment; the sale of which, when requisite in execution of any decree, or other judicial process, shall be made, as heretofore, by order of the Court, or officer, empowered to enforce the decree, or process, without application to the Board of Revenue, or the Collector of the district, or other officer in the revenue department.—*Reg.* VII. 1825, *Sect.* 2, *Cl.* 2.

The sale of landed property under a judicial process to be conducted under the same forms as sales of personal property.

32. The Judge, Register, or other officer, empowered, under the Regulations, to enforce a decree, or other judicial process, by a sale of property, is authorized to cause the public sale of any house, garden, orchard, or small portion of lakheraj land, which may be liable to be sold in execution of the decree, or other process, in like manner, as he is authorized to cause the public sale of any personal property liable to be sold in execution of the same.—*Reg.* VII. 1825, *Sect.* 2, *Cl.* 3.

The same officers to be employed in the sale of houses, &c. as in the sale of landed property.

33. The Judges and Registers of the zillah and city Courts, who usually employ the Nazirs of those Courts, or the Sudder Aumeens at the station of the Judge and Register, and the local Moonsiffs in other parts of their jurisdictions, to conduct the public sale of personal property in execution of Decrees, or other Judicial process, are hereby authorized to employ the same officers, when it may appear expedient, in the public sale of houses, gardens, orchards, or small portions of lakheraj land, under the provisions of this Regulation.—*Reg.* VII. 1825, *Sect.* 3, *Cl.* 1.

A proclamation

34. In all cases of attachment and intended sale, whether of

personal property, or of the landed property above described, in execution of any decree, or other judicial process, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold and of the amount due, for the recovery of which the sale is ordered, shall be made in the current language of the country, for at least thirty days before the appointed day of sale, exclusive of the day of sale, and the date on which the proclamation may be ordered. Such proclamation shall be made, in the usual mode, by beat of drum, on the spot where the property is attached; and a written notification, to the same effect, shall also be affixed in some conspicuous place, within the village or town in which the attachment may take place; as well as in the cutcherry of the local Moonsiff; and at the cutcherries of the Collector of the district; and the zillah Judge, or Register, who may have ordered the sale. When the sale is to be made by a Sudder Ameen, the notification shall also be affixed in the cutcherry of such Sudder Ameen.—*Reg.* VII. 1825, *Sect.* 3, *Cl.* 2.

to be issued thirty days previously to the sale of such property.

How such proclamation is to be made and notified.

35. The usual processes for attachment and sale, in such cases, may either be issued successively, or simultaneously, as the Judge, Register, or other judicial Officer, directing the sale, may, in each instance think proper, with reference to the circumstances of the case. But no sale shall, in any instance, take place without a previous proclamation, for the period specified in the preceding clause; and any material irregularity in the sale, which may be established, on a summary inquiry, to the satisfaction of the Judge, Register, or other Officer, by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that a petition, written on the stamp paper required for miscellaneous petitions to the zillah and city Courts, and stating circumstantially the irregularity which may have taken place, be presented to the Judge, Register, or other Officer, by whom the sale may have been ordered, within one month after the sale.—*Reg.* VII. 1825, *Sect.* 3, *Cl.* 3.

The usual processes for attachment, and sale may be issued simultaneously.

No sale to take place without the specified proclamation being made; and any material irregularity will render the sale liable to be declared invalid,

If a petition on stamp paper be presented within one month after the sale.

36. Whenever a public sale may be set aside, as invalid, under the preceding Clause, or on any account whatever, and no collusion, or fraud shall appear on the part of the purchaser, he shall be entitled to receive back his purchase money, on restoring any property delivered over to him, with or without interest, in such manner, as it may appear proper to direct in each instance.—*Reg.* VII. 1825, *Sect.* 3, *Cl.* 4.

In cases where sales are annulled and no collusion appears, the purchaser to have his purchase money returned with or without interest as may appear proper.

Summary decision passed by Judges or Registers appealable to the Provincial Courts.

37. The summary decision passed by the zillah or city Judges, or Registers, under this Section, shall be open to a summary appeal to the provincial Courts, under the general rules, for such appeals.—*Reg.* VII. 1825, *Sect.* 3, *Cl.* 5.

How judicial officers are to proceed in cases where claims are made to advertised property or objections made to the sale of it.

38. In the event of any claim being preferred to the property advertised for sale, under the provisions of this Section; or of any objection being offered to the proposed sale, within the period of the proclamation; such claim, or objection, shall be inquired into by the Judge, Register, or other Officer, who may have ordered the sale, or may be referred for inquiry and report to a Sudder Ameen, or local Moonsiff; and if it appear necessary, the time of sale shall be postponed, till such claim or objection have been investigated; provided that the representation of it, (which in all instances, is required to be preferred to the Judge, Register, or Officer ordering the sale, as soon as practicable after the publication of the intended sale,) shall not appear to have been designedly and unnecessarily delayed, with a view to obstruct the ends of Justice. In such cases when the fraudulent design may appear evident, the sale shall not be postponed; and the claimant shall be left to prosecute his claim, after the sale, by a Regular civil suit.—*Reg.* VII, 1825, *Sect.* 3, *Cl.* 6.

Provided such claim or objection shall not have been designedly delayed.

But should the claim be urged with a fraudulent design the sale is to proceed and the claimant left to prosecute in the civil Court.

SECT. VII.

Miscellaneous Rules.

The civil Courts may require the aid of the Collectors in the enforcement of decrees relating to malgoozarree land, whenever it may appear conducive to their speedy and complete execution.

39. By the existing Regulations the Judges of the zillah and city Courts, are required to transmit to the Collectors of their respective jurisdictions, (as well as to the Board of Revenue) copies of all decrees which may be passed by them, or by their Registers; or which may be sent to them for enforcement by the superior Courts; affecting the proprietary right to, or possession of, any lands paying revenue to Government, or held exempt from the payment of revenue; for the purpose of enabling them to make the requisite entries and alterations in the periodical Registers of land. The Judges of the several civil Courts are further hereby authorized to require the aid of the local Collector, in the enforcement of all such decrees, whenever it may appear conducive to their speedy and complete execution; whether by giving possession to the parties entitled

thereto; or by the adjustment of a waselaut Account, or otherwise.—*Reg.* VII. 1825, *Sect.* 6.

Transfer of lands to be entered in the public Registers.

40. When the sale of the lands shall have taken place, the Collector is to cause the entries of the transfer to be made in the public Registers, as prescribed in Regulations XIX. XXXVII. or XLVIII. 1793, according to the description of the property transferred.—*Reg.* XLV. 1793, *Sect.* 18.

Benares Reg. XX. 1795, Sect. 18.

Ceded Prov. Reg. XXVI. 1803, Sect. 27.

CHAPTER XI.

DIVISION OF ESTATES.

SECT. I.

General Rules for the Division and Union of Estates.

Division of estates to be made by the Collector.

1. The division of every zemindarry, independent talook or other estate paying revenue immediately to Government, which may be ordered to be divided into two or more distinct estates, and the apportioning of the fixed jumma of the whole of the estate on the several shares, are to be executed under the superintendence of the Collector of the district, in which the estate may be situated.—*Reg.* XIX. 1814, *Sect.* 3.

All the provisions of this Regulation explained to be applicable to joint estates held in common tenancy.

2. In order to obviate doubts respecting the descriptions of joint estates to which the several provisions contained in this Regulation are meant to be applied, it is hereby explained, that the whole of the said provisions are applicable to joint estates held in common tenancy, viz. where all the sharers have a common right and interest in the whole of the estate, without any separate title to distinct lands or muhals, forming part of the estate held under one general assessment. Many of these provisions, however, such as those which direct a compact division of the lands, the selection of lands of equal value for the several sharers, and other circumstances relative to an equal partition of the estate, have evidently an exclusive reference to the division of landed property between tenants in common, or copartners with equal rights in every part of the estate, and cannot be applied to portions of estates, consisting of specific muhals or lands held by purchase, or otherwise, from the former proprietor and separable from his estate under the Regulations, subject to a proportionate allotment of the public assessment conformably to the rules prescribed in the Regula-

tions cited in Section 8, of this Regulation, but remaining annexed to the original estate until the distinct assessment of the separable portion shall have been adjusted, and separately engaged for. In such cases, the provisions in this Regulation, which respect the adjustment of the assessment, the accounts to be delivered and examined for this purpose, the responsibility of the whole original estate until a distribution of the assessment shall have been finally determined and ratified, and the power which the Governor General in Council reserves to himself of ordering a new allotment of the assessment in the event of its being proved to his satisfaction within ten years, that the allotment made was fraudulent or erroneous, are alone to be considered applicable with the further provisions contained in the present Regulation. But all new allotments of the assessments in the cases here referred to, as in all other cases whatever, shall be reported for the sanction of the Board of Revenue or Board of Commissioners, and shall not be deemed conclusive or valid until confirmed by those Boards, or in the event of any reduction of the fixed assessment until approved by the Governor General in Council.—*Reg.* XIX. 1814, *Sect.* 30.

The provisions in this Regulation respecting the adjustment of the assessment declared applicable to the case of a specific mahal being sold or transferred.

No new allotments to be valid until confirmed by the Board of Revenue or Board of Commissioners, or in case of a reduction of jumma by the Governor General in Council.

3. If all the proprietors of a joint undivided estate shall be desirous to have their estates divided into two or more separate estates, they are to make a written application for that purpose to the Collector of the district, under their seals and signatures, and attested by four credible witnesses, specifying the shares which belong to them respectively, and whether they are desirous of having separate possession of their respective shares, or whether any two or more of them purpose to hold their shares as a joint estate. On receipt of the written application above noticed, the Collector shall proceed to divide the estate into the number of shares requested, reporting the same to the Board of Revenue, or Board of Commissioners, as the case may happen to be within the controul of the one or the other of those Boards; all authorized expenses incurred in making the division, are to be borne by the proprietor, in the proportion which the jumma of their respective shares after the division has been completed may bear to the jumma of the whole estate.—*Reg.* XIX. 1814, *Sect.* 4, *Cl.* 1.

Proprietors of a joint estate entitled to have a division of it at their own expense.

4. If one, two or more of the proprietors of a joint estate held in common tenancy shall be desirous to have separate

One, two, or more proprietors of a joint estate enti-

tled to have their shares separated, but Collectors not to proceed to a division, should any of the parties in possession object to the right of the claimants to a separation, until the claim shall be established in a court of justice.

possession of his or their respective share or shares; or if two or more of them shall be desirous to have their shares separated and to hold them as a joint estate, they are to make a written application for that purpose to the Collector under their seals and signatures, and attested by four credible witnesses. The Collector on receipt of the application shall publish an advertisement, notifying the same to all parties concerned, and specifying that he shall proceed to make the division applied for in fifteen days from the date of the publication of the advertisement, unless any person or persons in possession of the estate or any part thereof, shall before the expiration of that time, deny by a writing under his or their seals and signatures, and attested by two credible witnesses, the right of such claimant or claimants to the share or shares so claimed by him or them, in which case the Collector is not to proceed to the division until the disputed title be established in a court of justice, or admitted by the party or parties so disputing it by a writing to that effect under his or their seals and signatures, and attested by four credible witnesses.—*Reg.* XIX. 1814, *Sect.* 4, *Cl.* 2.

Collector how to proceed when no objection is made.

5. In the event of no denial being offered to the claim for separation in the form stated, and within the period limited in the foregoing Clause, the Collector shall proceed to make the division applied for in the mode hereafter described, reporting the same for the information of the Board of Revenue or Board of Commissioners as the case may be, and all authorized expences incurred in making the division are to be borne by the proprietors at large, in the proportions which the jumma of their respective shares after the division has been completed, shall bear to the jumma of the whole estate. This last rule however is not to be understood to preclude the parties concerned from entering into a private adjustment among themselves of the proportions in which such expenses shall be severally borne by them, and whenever the whole amount demandable on that account shall be tendered to the Collector by one, or more of the parties, he shall receive the same accordingly, and on the contrary if the amount be not so tendered, he is to inforce the rule as above laid down, and is to levy the amount (if it be not paid) by the same process against the sharer or sharers failing in the payment of their proportions as is pre-

scribed for levying arrears of revenue.—*Reg.* XIX. 1814, *Sect.* 4, *Cl.* 3.

6. The whole of the provisions of this Section for the division of estates held in common tenancy, are to be considered equally applicable to the separation of portions of estates consisting of distinct muhals.—*Reg.* XIX. 1814, *Sect.* 4, *Cl.* 4.

The foregoing rule applicable to portions of estates, consisting of distinct muhals.

7. Whenever the Courts of Justice may pass a decree awarding to any person the proprietory right in a portion of an estate paying revenue to Government (whether fractional or consisting of specific lands) and may issue a precept to the Collector requiring him to divide the estate, and (provided it be not held khass, or let in farm by Government) to put the parties in possession of the shares, to which they may be entitled under the decree, they shall make it a general rule to direct at the same time that the party or parties who may have withheld the rights so decreed, shall defray the whole of the expense which may be incurred in the subsequent process of dividing, separating, and giving possession of, and apportioning the public revenue on the portion of the estate or lands so decreed. Provided however, that if any special reasons shall appear for a deviation from this general rule, the Courts shall be at liberty to direct the expense in question to be defrayed by all, or any of the parties to the decree, in such proportions as the Court passing the decree may, from consideration of the particular circumstances of the case, deem equitable. Copies of all orders which the Courts may pass under this Section, are invariably to be transmitted to the Collector for his guidance, together with the precept which the Court may issue to him, requiring him to divide the estate, and to put the parties in possession of the shares to which they may be entitled under the decree.—*Reg.* XIX. 1814, *Sect.* 5.

Courts of Justice to direct payment of the expenses of divisions in decrees awarding the proprietory right in disputed cases.

8. If two or more estates that may have originally formed specific and ascertained portions of the same zemindary, talook, or chowdrai, shall come into the possession of one person, or if one, two, or more persons shall possess two or more shares of any such estate, such person or persons shall be entitled to have such shares united and to hold them as one estate. Application for the union of estates is to be made to the Collector of the zillah in writing under the seal and signature of the proprietor or proprietors, and attested by two credible witnesses, and the Collector (provided he see no objection)

Two or more estates which originally formed part of the same zemindary, &c. may be united and registered as one estate.

shall comply with the application, and cause the necessary entries to be made in the records of his office, reporting the circumstance to the Board to which the case may appertain.—*Reg.* XIX. 1814, *Sect.* 6.

SECT. II.

Principles on which the Division of Estates and the Allotment of Jumma is to proceed.

Each estate to be as compact as possible.

9. When a division of an estate shall be ordered to be made, each of the portions into which the property shall be directed to be divided shall be formed of entire, and (as far as the situation of the lands and other local circumstances may admit) contiguous muhals or villages, so that each estate may be as compact as possible. Provided that if the property so ordered to be divided, shall not consist of a sufficient number of villages to admit of one or more whole village or villages being included in each estate, the division of the village or villages of which the property may consist, is to be made so as to render each estate as compact as possible.—*Reg.* XIX. 1814, *Sect.* 7.

Public revenue to be assessed upon each estate agreeably to the rules herein prescribed.

10. The public revenue shall be assessed on each estate into which the property shall be ordered to be divided in conformity with the rules prescribed in Regulation I, 1793, with respect to estates situated in the provinces of Bengal, Behar, and Orissa; Regulation XXVII. 1795, in the provinces of Benares; Regulation XXV. 1803, in the ceded provinces; Regulation IX. 1805, in the conquered provinces; and with Regulation XII. 1805, in the province of Cuttack; but in selecting the muhals or villages, to be included in each separate estate, the advantages or disadvantages arising from situation, the vicinity of roads or navigable rivers, the nature and quality of the soil and produce, the quantity of waste land, the depth at which water may be procurable, the number of tanks, the state of the embankments and water courses, and every other local circumstance affecting the present, or likely to influence the future value of the lands, are to be duly considered, and the muhals or villages to be included in each estate, fairly and impartially selected accordingly.—*Reg.* XIX. 1814, *Sec.* 8.

Rules for selecting the lands to be included in each estate.

Existing engagements between proprietors and

11. Where a division of a joint estate shall be made, al the request of the proprietors, or pursuant to the decree of a

Court of Justice, the fixed public revenue assessed upon the whole estate shall be apportioned on the several shares, agreeably to the principles prescribed in Section 37, Regulation XXV. 1803, without regard to any engagements which may subsist between the proprietors and their dependant talookdars, under-farmers, ryots, or other under-tenants of whatever description. But the sharers shall not demand from the dependant talookdars, under-farmers, or ryots, or other under-renters, in their respective shares, any sum beyond the amount specified in the engagement, lease, or pottah, which may have been entered into between them and the proprietors jointly, previously to the division of the estate, provided that such engagement, lease, or pottah, be not repugnant to the rules prescribed in Section 2, and such dependant talookdars, under-farmers, ryots, or other under-renters, shall duly perform their part of it; but it shall remain in full force (excepting in the event of the lands being disposed of at public sale for the discharge of arrears of the public assessment) until the term of it shall have expired.—*Reg.* XLVII. 1803, *Sect.* 3.

their dependant talookdars, under-farmers, and ryots, if conformable to this Regulation, not to be affected by divisions of the estate made pursuant to judicial decrees, or the request of the joint proprietors.

Ceded Provinces.

12. If a dwelling house belonging to one sharer, shall be situated in a muhal or village, which may be included in the estate of another, the proprietor of such house shall be at liberty to retain it with the offices, buildings, and ground immediately attached to it, upon paying to the proprietor of the muhal or village an equitable rent for the ground, and the limits of the ground, and the rent to be paid for it shall be particularized in the paper of partition.—*Reg.* XIX. 1814, *Sect.* 9.

The dwelling house, &c. of one sharer to be retained by him, although situated in the share of another on payment of rent.

13. Tanks, reservoirs, water courses, and embankments, shall be considered as attached to the land for the benefit of which they were originally made. In cases in which from the extent, situation or construction of works of this nature, it shall be found necessary to continue them the joint property of the proprietors of two or more of the estates, the paper of partition is to specify as far as circumstances may admit, the proportion of the benefit which each estate is entitled to derive therefrom, and of the expense of the repairs with which it is to be charged.—*Reg.* XIX. 1814, *Sect.* 10.

Rules with respect to tanks, embankments, &c.

14. Places of worship that may have been held in common previous to the division of a zemindarry or other estate, shall be continued on the same footing, unless the parties shall otherwise agree amongst themselves, in which case they are to sig-

And places of religious worship.

nify their determination in writing to the Aumeen, who shall insert it in the paper of partition.—*Reg.* XIX. 1814, *Sect.* 11.

On proof of fraud or material error within ten years subsequent to any future allotment, Government may order a reallotment of the jumma.

15. Should it be proved to the satisfaction of the Governor General in Council, that any fraud or material error has been committed in the allotment of the jumma on lands ordered to be divided into two or more distinct estates from and after the date of this Regulation, within the term of ten years, subsequent to the period at which such division and allotment may have been made, it shall be competent for the Governor General in Council to order a reallotment of the jumma on the principles established by the existing Regulations.—*Reg.* XI. 1811, *Sect.* 3.

The period of ten years to be calculated from the date of the confirmation of the allotment by the Board of Revenue, or Board of Commissioners.

16. The period of ten years shall be calculated from the date on which the partition of the lands and allotment of the jumma may receive the confirmation of the Board of Revenue or Board of Commissioners, according as the lands may be situated in the districts subject to the controul of those Boards in all matters connected with the land revenue respectively: and no such partition and allotment is to be considered to be final or valid (as is in substance provided by the existing Regulations), until it shall have been formally and expressly sanctioned by one or other of those authorities.—*Reg.* XI. 1811, *Sect.* 4, *Cl.* 1.

Tahoods and engagements not to constitute distinct estates until sanctioned by Government or the Boards.

17. In like manner Tahoods executed for portions of estates, and the correspondent engagements shall not be considered to constitute distinct estates until the acceptance of them shall have been formally and expressly sanctioned by the Government, or the Board of Revenue, or Board of Commissioners. —*Reg.* XI. 1811, *Sect.* 4, *Cl.* 2.

Governor General in Council reserves to himself the power of ordering a new allotment of the public jumma, should it be proved to his satisfaction within ten years that the allotment was fraudulently or erroneously made;

18. To guard against collusion, or error in the distribution of the public jumma on landed property which may be ordered to be divided into two or more distinct estates, it is declared, that if it shall be proved to the satisfaction of the Governor General in Council, within ten years after confirmation of the partition as prescribed in Section 3, Regulation X. 1811, that the jumma was fraudulently or erroneously apportioned at the time of the division, he reserves to himself the power of ordering a new allotment of the jumma upon the several estates into which it may have been divided conformably to the principles prescribed in the Regulations cited in Section 8 of this Regulation, an estimate of the gross produce of each es-

tate at the time of the division to be made agreeably to the best evidence and information which may be procurable respecting it, and further, of ordering the parties, whose estates may appear to have been under-assessed, to pay the sharers upon whose estates the assessment may have been excessive, the sum of which they may be found to have been defrauded by the over-assessment, and in the event of their omitting to discharge the amount, to cause it to be levied by the Collector by the process prescribed for the recovery of arrears of revenue.—*Reg.* XIX. 1814, *Sect.* 25.

And to order the parties whose estates may have been over-assessed to be indemnified by the sharers whose estates may have been under-assessed.

19. Whenever the partition of a joint estate held in common tenancy shall have been commenced, or ordered to be made whether on the direct application of the parties to the Collector, or under a precept from a Court of Justice, if the estate should fall in balance at any time before the partition be completed and confirmed, it shall be in the option of any one or more of the sharers (whether in actual possession of their shares or otherwise) to tender to the Collector his or their proportions of the balance due, which the Collector shall receive, and pass to the credit of his or their shares accordingly, and in the event of a sale of any part of the estate (yet undivided) becoming ultimately necessary for the liquidation of any remaining balance, the portion or portions of the defaulting sharer or sharers only shall be sold, and not those of the sharers who shall have paid their proportions of the balances, and in all such cases, the partition shall go on and be completed for the benefit of the purchaser at the public sale; and who on making the purchase, will be entitled to separate possession of the portion or portions of the estate which would have been allotted under the partition, to the defaulting proprietors, (and which in all such instances are to be sold entire,) and will in every respect succeed to all their rights.—*Reg.* XIX. 1814, *Sect.* 33.

Rules respecting balances accruing during the partition of a joint estate.

20. To provide also, as far as practicable against any injurious consequences to individuals from delays and difficulties which are observed to attend the allotment of the public Revenue upon specific muhals, forming part of an estate held under a general assessment, when ordered to be separated therefrom, the following rules are to be observed in regard to such muhals.—*Reg.* XIX. 1814, *Sect.* 34, *Cl.* 1.

Rules for preventing delays in alloting the jumma of specific muhals forming part of an estate.

21. Whenever the proprietor of a specific muhal in a joint estate shall be entitled to separation under the Regulations,

Rules as to balances accruing before the allotment is completed.

and the separation and allotment of the public revenue upon such distinct muhal shall have been commenced upon, or ordered to be commenced upon, if the estate of which it forms a component part should fall in balance at any time previous to the completion and confirmation of such allotment, so as to require a sale of the whole or any portion of the estate, it shall be in the option of the proprietor of the muhal in question (and to whom immediate possession thereof is to be given, if it be not already in his possession) to tender to the Collector his share of the balance due, calculated on the proportion which the produce of such specific muhal with a deduction of from fifteen to twenty per cent. (viz. ten per cent. for malikana, and not less than five, or more than ten per cent. for charges of collection) may bear to the jumma of the whole estate. Upon such tender being made and the Collector being satisfied from the enquiries made by him, and the evidence and documents before him, that the produce of the muhal has not been under-rated, he shall receive the amount tendered, and pass it to the credit of the muhal accordingly, and in the event of a sale of any part of the estate becoming ultimately necessary for the liquidation of any remaining balance, such sale shall be made with the expressed exception of the specific muhal in question, and the separation and final allotment of the jumma thereupon, shall go on and be completed in the prescribed manner, for the benefit of all the parties concerned therein. Provided moreover, that if the payment made by the proprietor of the specific muhal under this clause, shall on a final adjustment of the jumma of the parties, be found to exceed the true proportion of the balance demandable from him, such proprietor shall be entitled to repayment of the excess from the Collector, who shall at the same time proceed to recover the amount thereof from the defaulting proprietor or proprietors (upon whom a less amount than their just proportions will have been levied) by the same process as he would recover any other arrear of revenue; or if it shall on the contrary appear that the proprietor of the specific muhal has paid less than he ought to have paid, the deficiency shall be recovered from him, and any excess which may have been levied from the defaulting proprietor or proprietors, shall be made good to them.—*Reg.* XIX. 1814, *Sect.* 34, *Cl.* 2.

SECT. III.

Appointment and Remuneration of the Partitioning Aumeen.

Divisions of an estate to be made by an Aumeen to be appointed by the Collector, and paid by a percentage on the jumma.

22. When an estate shall be ordered to be divided, the Collector shall appoint a creditable Aumeen to make the division, who shall receive a percentage (as hereafter specified) on the amount of the jumma of the whole estate, as a remuneration for his trouble and the expense of establishment.—*Reg.* XIX. 1814, *Sect.* 12.

Oath to be taken by the Aumeens.

23. The Collector is empowered and directed to administer the following oath to the Aumeen previous to his proceeding to make the division:—

"I, A. B. appointed to make the division of the estate of "———— in the zillah of———— solemnly swear, "that I will fairly and impartially, and as expeditiously as may "be practicable, make the division of the property, and appor- "tion the public revenue upon each distinct estate into which it "is directed to be divided, to the best of my knowledge and "judgement, according to the Regulations passed by the Go- "vernor General in Council; that I will not directly or indi- "rectly receive or allow any other person to receive any fee, "present, or reward whatever, from any of the sharers or any "persons on their behalf, on account of the division or any "matter connected therewith, that I will not derive any ad- "vantage or emolument from my appointment, excepting such "as may be expressly allowed to me, and be authorized by "this Regulation, and that I will deliver to the Collector all "such papers and accounts as may come into my possession "respecting the estate which I am appointed to divide."—*Reg.* XIX. 1814, *Sect.* 13, *Cl.* 1.

Penalty for Aumeens convicted of corruption in opposition to their oaths.

24. If the Aumeen shall be convicted before the Magistrate of the zillah of receiving or allowing any other person to receive directly or indirectly any money or effects, or other property from the sharers, or from any person or persons on their behalf, in opposition to his oath, he shall be sentenced to pay a fine to Government of three times the amount of the money or value of the property so received by him, or by any other person with his permission, and to imprisonment not exceeding six months; and all prosecutions before the Magistrate under this clause shall be for a criminal misdemeanour at the instance of the Collector of the district, through the Va-

keel of Government. It is however at the same time hereby further declared, that the Aumeen shall be also liable to a suit for the same offence in the Dewanny Adawlut of the zillah, and shall on conviction be compelled to restore the money or property to the party from whom it may have been received with all costs to the party prosecuting, and be imprisoned until he shall make good the decree or the amount of it shall be liquidated by the sale of his property.—*Reg.* XIX. 1814, *Sect.* 13, *Cl.* 2.

Documents with which the Collector is to furnish the Aumeen.

25. The Collector is to deliver to the Aumeen a sunnud of appointment under his official seal and signature, in which are to be specified the name of the estate, the names of the different sharers, their respective proportions, the number of separate estates into which the property is to be divided, and the shares included in each estate, together with a copy of the Regulations under which he is to make the division, and of any entries in the official records which may relate to the property to be divided.—*Reg.* XIX. 1814, *Sect.* 14.

Rates of percentage to be allowed to the Aumeen.

The percentage to be allowed the Aumeen shall be calculated in the following gradations:

On a jumma not exceeding 500 Rupees, 10 per cent.

On a jumma exceeding 500 Rupees, but not exceeding 1,000 Rupees, 10 per cent. on 500, and 8 per cent. on the remainder.

On a jumma exceeding 1,000 Rupees, but not exceeding 2,500 Rupees, on 1,000 as above, and 5 per cent. on the remainder.

On a jumma exceeding 2,500 Rupees, but not exceeding 5,000 Rupees, on 2,500 Rupees as above, and on the remainder 3 per cent.

On a jumma exceeding 5,000 Rupees, but not exceeding 10,000 Rupees, on 5,000 as above, and on the remainder 2 per cent.

On a jumma exceeding 10,000 Rupees, but not exceeding 25,000 Rupees, or 10,000 as above, and on the remainder 1 per cent.

On a jumma exceeding 25,000 Rupees, but not exceeding 50,000 Rupees, on 25,000 as above, and on the remainder 8 annas per cent.

On a jumma exceeding 50,000 Rupees, but not exceeding one lack, on 50,000 as above, and on the remainder 4 annas per cent.

On a jumma exceeding one lack of Rupees to whatever amount, on one lack as above, and on the remainder 2 annas per cent.

In the above calculations fractions of Rupees are to be rejected.—*Reg.* XIX. 1814, *Sect.* 15, *Cl.* 1.

In cases in which a measurement of lands may be necessary, the Aumeen to be separately paid for such duty.

26. The percentage or commission fixed under the foregoing Section, shall be considered as a remuneration to the Aumeen only and for such establishment as it may be necessary for him to entertain, but where a measurement of the lands may be necessary, the additional establishments of subordinate Aumeens and other officers which may be requisite for the performance of this duty, shall be separately paid by the several sharers in proportion to their respective interests in the estate, by a monthly allowance, to be approved by the Collector.—*Reg.* XIX. 1814, *Sect.* 15, *Cl.* 2.

The Collector to advance one-third of the percentage to the Aumeen.

27. The Collector on delivering the sunnud to the Aumeen shall advance to him one-third of the above percentage, and the remaining two-thirds shall be subject to the following provisions.—*Reg.* XIX. 1814, *Sect.* 15, *Cl.* 3.

Further advances to be issued according to the progress made in forming the partition.

28. When the partition shall be in such a state of forwardness as to be considered to be half completed, as ascertained from the admission of the parties concerned, or from any other sources of information or documents with which the Collector shall be satisfied, one-third more shall be advanced to the Aumeen, and the remaining one-third shall be paid on the Collector receiving notification that the partition has been confirmed.—*Reg.* XIX. 1814, *Sect.* 15, *Cl.* 4.

What course to be observed when the partition may not be confirmed.

29. If the partition made by the Aumeen be not confirmed, the Board of Revenue or the Board of Commissioners are respectively empowered to declare the claim of the Aumeen to the remaining portion of the commission to be forfeited or otherwise, as in their discretion on a consideration of the circumstances of the case, and the conduct of the Aumeen they may deem proper.—*Reg.* XIX. 1814, *Sect.* 15, *Cl.* 5.

Rules for proceeding in cases when the partition may not be made within a prescribed time.

30. The Collector shall on deputing the Aumeen, fix such period as in his judgement will be sufficient for the completion of the partition, but in the event of extention of time being necessary, it shall be competent to the Collector to extend the period from time to time as the nature of the duty shall be found to require. Provided that if an Aumeen shall not make due progress in, or shall unnecessarily delay the completion

of a partition, or shall be negligent, or be convicted of any misconduct in the execution of his duty, the Collector shall immediately suspend the Aumeen and report the circumstance to the Board, to which the case shall be subject, with an explanation of the cause of the delay; the Board on receipt of the report will, if there appear sufficient grounds, direct the Aumeen to be removed from his trust, and his claim to all arrear of commission to be forfeited, and will make such further arrangement for the completion of the duty, as the nature of the case may require.—*Reg.* XIX. 1814, *Sect.* 15, *Cl.* 6.

How the Aumeen is to be paid when the percentage may be considered an inadequate remuneration

31. In the event of a partition being protracted to such a period, that the percentage to the Aumeen may not be considered a sufficient remuneration for his trouble and the payment of his establishment, it shall be competent to the Boards respectively, to allot to the Aumeen the whole or part of any fine or fines which may be levied under this Regulation, as on a consideration of the circumstances of the case and the conduct of the Aumeen they may deem proper.—*Reg.* XIX. 1814, *Sect.* 15, *Cl.* 7.

Rule for the appropriation of fines and percentage when the Aumeen may be superceded.

32. In the event of the Aumeen being removed from his situation, and of another person being appointed to complete the duty, it shall be competent to the Boards respectively to appropriate the amount of such fines as well as of any forfeited arrear of percentage of the first Aumeen to the payment of the expenses of the partition to be completed by the second Aumeen.—*Reg.* XIX. 1814, *Sect.* 15, *Cl.* 8.

SECT. IV.

Duties of the Aumeen, and of the Proprietors.

Aumeen to survey the different parts of the estate in person.

33. Upon the arrival of the Aumeen on the spot, he is to survey in person the different parts of the property so as to enable him to select the lands to be included in each estate, in conformity to the rules prescribed in Section 7, 8, 9, 10, and 11.—*Reg.* XIX. 1814, *Sect.* 16.

Proprietors to furnish the Aumeen with the necessary accounts to enable him to allot the jumma on the several shares.

34. The proprietors, or their local naibs or representatives, are to furnish the Aumeen with the accounts of the gross produce of each mahal and village, and all other accounts or information requisite to enable him to assess the public revenue on each of the estates into which the property is to be divided,

in conformity to the rules prescribed in the present regulation. —*Reg.* XIX. 1814, *Sect.* 17. *Cl.* 1.

35. The proprietors, or their local naibs or representatives are to swear to the truth of the accounts before the Aumeen, or if they shall be of the description of persons whom the Courts of judicature are empowered to exempt from taking oaths, the Collector is to authorize the Aumeen to receive from them a solemn declaration to the truth of the accounts. If the proprietors shall omit to furnish the required accounts, the persons withholding them shall be liable to such daily fine, until they produce them as the Board of Revenue or Board of Commissioners respectively may judge it proper to impose, upon a consideration of the case, and their situation and circumstances in life, and the amount of the fine shall be levied by the Collector by the same process as is prescribed for levying arrears of revenue.—*Reg.* XIX. 1814, *Sect.* 17, *Cl.* 2.

Proprietors, their local naibs, or representatives, to swear to the truth of the accounts; or if exempted from swearing, to subscribe the usual declaration.

Or on omiting to furnish the required accounts, declared liable to fine.

36. The proprietors, or their local naibs or representatives, are likewise to cause the putwarries and other zemindarry officers to attend the Aumeen to explain the accounts, and furnish him with such information as he may require for dividing the estate and apportioning the public jumma, under the penalty of being fined in the same manner as for omitting to produce their accounts. Putwarries refusing to deliver their accounts, or otherwise acting contrary to the rules contained in Section 62, Regulation VIII. 1793, and the corresponding Sections in Regulations XXVII. 1795, and XXIX. of 1803, shall be proceeded against as therein directed.—*Reg.* XIX. 1814, *Sect.* 17, *Cl.* 3.

Such proprietors, &c. to cause their putwarries, &c. to attend the Aumeen under the penalty prescribed in the preceding section.

Putwarries refusing to deliver their accounts or acting contrary to the prescribed rules how to be proceeded against.

37. If any of the sharers in a joint undivided estate shall by withholding the requisite accounts and papers, or by any other voluntary act, impede or oppose the division of the estate, when the same may have been ordered and proceeded upon in the mode prescribed by the Regulations, the party or parties so offending shall on the report of the Collector to the Board of Revenue, or the Board of Commissioners as the case may be, be liable to such fine as the Boards respectively, on consideration of the circumstances of the case, may judge proper to impose, and the fine so ordered shall also be levied in the mode prescribed by the Regulations for the recovery of arrears of revenue. It is hereby further explained, that whenever a daily fine may be imposed under any part of this Regulation for the

Board of Revenue and Board of Commissioners, may impose a fine on every person withholding accounts or otherwise obstructing the division of an estate.

purpose of causing the delivery of accounts or otherwise, and such fine may be imposed by the Collector, the operation of such daily fine (provided it be approved by the Board of Revenue or Board of Commisssioners as the case may be) or of such part thereof as may receive their approbation, shall commence from the date when the fine may have been first notified to the party on whom it is imposed, unless in any case, it should be otherwise ordered by the Board of Revenue or Board of Commissioners, or be otherwise provided by the original order of the Collector.—*Reg.* XIX. 1814, *Sect.* 21.

Parties not attending in person to appoint vakeels with full powers to act for them.

38. If any of the sharers in landed property ordered to be divided, from indisposition or other cause, shall be unable or shall not choose to attend the Collector or the Aumeen in person, in the cases required, they shall depute a vakeel duly appointed with powers to perform all such acts as they themselves are authorized or required to perform under this Regulation, until the division of the property shall be finally adjusted.—*Reg.* XIX. 1814, *Sect.* 26.

SECT. V.

Proceedings of the Collector and of the Board on the Aumeen's Report.

Documents to be delivered to the Collector by the Aumeen when he has completed the division.

39. When the Aumeen has completed the division of the property and allotted the public revenue on each estate, he is to submit to the Collector the papers of the division and allotment, which are to specify the names of the muhals or villages included in each separate estate into which the property may have been divided, the gross produce of each muhal and village for the three years preceding the year in which the division may be ordered to be made, and the proportion of the public jumma which he may have assessed thereon, with such observations regarding the manner in which he may have selected the lands included in each estate, and the accounts from which he may have apportioned the public revenue of them, as may be necessary for the information of the Collector, together with a detail of the adjustment which he may have made respecting the tanks, places of worship, or other matters specified in Sections 9, 10, and 11, of this Regulation.—*Reg.* XIX. 1814, *Sect.* 18.

Collector after

40. The Collector shall examine the documents which may

be delivered to him by the Aumeen, and after receiving any objections or remarks which may be offered to him by the sharers in person, or by their vakeels he shall draw out a paper of partition, specifying the muhals or villages included in the several estates into which the property may have been divided, the gross produce of each muhal or village, the allotment of the public jumma upon each, the name or names of the proprietors of each estate, and, where an estate is to be held as the joint property of two or more persons, their respective shares in the estate, together with the stipulations which may have been made respecting any of the matters mentioned in Sections 9, 10, and 11, and transmit a copy of the paper to the Board of Revenue, or the Board of Commissioners, as the case may be, with such observations as may be necessary to enable them to judge, whether the division of the property, and the allotment of the jumma on each estate into which it may have been divided have been made agreeably to the Regulations.—*Reg.* XIX. 1814, *Sect.* 19, *Cl.* 1.

examining the documents and hearing the objections of the parties to draw out a paper of partition.

What the paper is to contain.

41. Previously to forwarding the paper of partition as required by the preceding clause, the Collector shall furnish the sharers with a copy of it. In the event of the whole of the sharers, by a written declaration under their seals and signatures, and attested by four credible witnesses, declaring their satisfaction with the partition statement so communicated to them, or in the event of none of the sharers offering any objection thereto, within fifteen days after they shall have respectively received the copies delivered to them, the Collector, on receipt of the general declaration of satisfaction in the former case, or in the latter, on the expiration of the period above stated, shall proceed to put the parties in possession of their respective shares, reporting the same to the Board of Revenue or Board of Commissioners, and submitting to them a copy and translation of the partition statement and allotment of the assessment, but such allotment of the assessment shall not be deemed conclusive unless it shall have been confirmed by the Board of Revenue or Board of Commissioners, who are respectively authorized to make any alterations therein, which may appear to them necessary for the purpose of carrying into effect the proportioned rule of allotment prescribed in the Regulation cited in Section 8, of this Regulation. The Board of Revenue and Board of Commissioners are severally empowered

Collector how to act previously to forwarding the paper of partition to the Board of Revenue or Board of Commissioners.

In what case the sharers are to be put in immediate possession.

Allotment of the assessment to be confirmed by the Board of Revenue or Board of Commissioners.

Who may alter the same if necessary in pursuance of certain rules.

The Boards also empowered to alter the division of landed property.

to confirm, or make such alterations in the division of the property and the allotment of the public revenue on each estate, or other matter specified in the paper of partition, as may appear to them proper, except in cases of a reduction of the fixed assessment. The Board of Revenue and Board of Commissioners may order further enquiries to be made, before they pass their determinations on the division, in cases in which it may appear to them necessary.—*Reg.* XIX. 1814, *Sect.* 19, *Cl.* 2.

Or if necessary may direct further enquiries, previous to determining on the case.

Rule in the event of sharers objecting to the partition statement.

42. In the event of any objections to the partition statement being offered by the sharers or any one of them, within the period of fifteen days specified in the preceding clause, the Collector shall not put the parties in possession, but shall transmit without delay, a copy and translation of such objections to the Board of Revenue or Board of Commissioners; together with a copy and translation of the partition statement, and of the whole, or such part of the Aumeen's report as may be applicable to the points objected to, and such further information as may be necessary to enable the Board to form a satisfactory opinion on the case.—*Reg.* XIX. 1814, *Sect.* 19, *Cl.* 3.

Decision of the Board of Revenue and Board of Commissioners to be final, and the parties to be put in possession by the Collector who shall make the necessary entries in the records.

43. The determination of the Board of Revenue or Board of Commissioners on the paper of partition shall be final, and the Collector on receiving notification thereof, shall put the parties in possession of their respective estates, and immediately make the necessary entries in the records of his office, after comparing the documents delivered by the Aumeen with the former entries regarding the estate, and correcting or supplying any errors, or omissions which may be discovered in those entries. —*Reg.* XIX. 1814, *Sect.* 20, *Cl.* 1.

No objection to the partition made by the Collector to be received by the Boards after fifteen days, unless good cause be assigned.

44. No objections from the sharers to the partition communicated to them by the Collector in the first instance shall be received by the Board of Revenue or Board of Commissioners after the prescribed period of fifteen days, without good cause for the delay being shown to their satisfaction.—*Reg.* XIX. 1814, *Sect.* 20, *Cl.* 2.

Boards may fine a defaulter for preferring groundless, vexatious or litigious objections.

45. Whenever the objection to the Collector's partition which may be preferred to the Board of Revenue or Board of Commissioners shall clearly appear to be groundless, vexatious and litigious, it shall be competent to the Board of Revenue and Board of Commissioners to impose such fine upon the default-

er as may be deemed proper, on consideration of the circumstances of the parties and the nature of the case. Such fine shall be recovered by the same process as is prescribed for the recovery of arrears of revenue.—*Reg.* XIX. 1814, *Sect.* 20, *Cl.* 3.

How such fine shall be recovered.

SECT. VI.

Division of Estates by Arbitration or by drawing lots.

Divisions of estates may be made by the sharers themselves, or arbitrators under the inspection of the Aumeen in certain cases.

46. In the cases specified in Clauses first and second, Section 4, of this Regulation, if all the proprietors of the estate to be divided shall agree to make the division themselves, and to allot the public jumma upon each estate, and to adjust all other matters respecting the division agreeably to the Regulations, they shall present a petition to that effect, under their seals and signatures, and attested by four credible witnesses, to the Collector, who shall issue directions to the Aumeen accordingly. But the proprietors shall produce the required accounts before the Aumeen, and swear or subscribe a solemn declaration to the truth of them, and the division of the lands, and the apportioning of the jumma, and every other matter relating thereto, shall be settled in the presence, and subject to the inspection of the Aumeen, who shall be responsible for the Regulations being in every respect observed. In like manner, if all the proprietors of the estate which may be ordered to be divided in the cases specified in the foregoing Clauses and Section, shall agree to refer the division of the estate, and the apportioning of the public jumma and the adjustment of all other matters respecting the division, to an arbitrator or arbitrators, they shall present a petition to that effect to the Collector, attested by four credible witnesses, and specifying the name of the arbitrator or arbitrators whom they may choose, and where two or more arbitrators are chosen, the name of the umpire; upon the receipt of the petition, the Collector shall direct the Aumeen to cause the parties to execute arbitration bonds, the proprietors shall produce the necessary accounts before the arbitrators and swear, or subscribe a solemn declaration to the truth of them, before the Aumeen, and the division of the lands, and the allotment of the jumma, and every other matter relating thereto shall be settled by the arbitrator or arbitrators, in the presence and subject to the inspection of the Aumeen, who shall be responsible for his

or their proceeding according to the Regulations. When the sharers, or the arbitrator or arbitrators in the cases above specified shall have adjusted the division of the property and the allotment of the public jumma on each estate, and all matters relating thereto, and the whole shall have undergone the revision of the Aumeen, he shall submit all the documents and papers specified in Section 18, of this Regulation to the Collector, who upon the receipt of them, shall proceed in the same manner as if the division had been made without the interference of the parties, or the arbitrator or arbitrators, and all the rules contained in this Regulation regarding divisions made solely by the Aumeen, shall be held applicable to divisions made by the parties or arbitrators under this Section.—*Reg.* XIX. 1814, *Sect.* 22.

How the Aumeen employed in superintending private partitions is to be remunerated.

47. All the rules prescribed in this Regulation which relate to the expenses incurred in making a partition shall equally apply to the remuneration of the Aumeen who may be appointed to superintend partitions made by the parties themselves or their arbitrators, under the provisions contained in the preceding Section; but with this difference, that the Aumeen employed in superintending such private partitions, shall only be entitled to receive one half of the amount of remuneration which the Aumeens employed in making public partitions are entitled to under Section 15, of this Regulation.—*Reg.* XIX. 1814, *Sect.* 23.

Cases in which the sharers are to draw lots for the lands that are to form their respective estates after the division is finally adjusted.

48. To remove, as far as possible, every inducement to fraud or partiality in the division of landed property, it shall be a rule, that, where two or more of the estates shall consist of the same proportions of the whole property divided, the parties entitled to them shall (excepting in the case subsequently specified) draw lots for the divisions, in the public cutcherry, before the Collector, who shall be held responsible that in drawing the lots, no unfair means are practised. Agreeably to this rule, if any landed property shall be ordered to be divided into four estates, each consisting of a four annas share or four-sixteenths, or into three estates, one consisting of an eight annas share or eight-sixteenths, and the other two each of four annas or four-sixteenths of the whole property, after the division and allotment of the public revenue, and every other matter relating to the division shall have been finally adjusted, the proprietors of the four shares in the first case, and of the two

four annas shares in the second, shall draw lots for the divisions, unless they shall settle amongst themselves which division of the property each party is to receive, and present a petition to the Collector under their respective seals and signatures; and attested by two credible witnesses, specifying the divisions which each of them may have agreed to take, in which case, the Collector shall put them in possession of the divisions which they may respectively select.—*Reg.* XIX. 1814, *Sect.* 24.

SECT. VII.

Rules in case the proprietors be females, &c. or the Estate be held khas.

Board of Revenue and Board of Commissioners to take care that the rights of females and other disqualified landholders are duly attended to in divisions.

49. If all the sharers in landed property ordered to be divided shall be females, not deemed competent to the management of their own estates, or minors, or persons otherwise disqualified for the charge of their own lands, the Collector shall report the same to the Board of Revenue or Board of Commissioners, who are enjoined to be careful, that the rights of such proprietors are duly attended to in the division. In instances where more proprietors than one possess an undivided estate; and part of such proprietors shall come under any of the descriptions of disqualified landholders abovementioned, having guardians, such guardians shall vote and act for them, in all matters relating to the division of their lands, under this Regulation.—*Reg.* XIX. 1814, *Sect.* 27.

Rules respecting the division of landed property let in farm or held khas by Government.

50. In cases where the landed property to be divided is held khas or let in farm by Government, the partition in as much as regards the allotment of the lands, shall be made agreeably to the rules prescribed in this Regulation, as far as they may be applicable to lands so circumstanced, and the farmer, or the native Collector of the revenue on the part of Government, shall produce all the accounts and papers which he may possess respecting the lands, upon receiving a requisition to that effect from the Aumeen; such property when divided will be subject to the rules contained in the Regulations cited in Section 8, of this Regulation.—*Reg.* XIX. 1814, *Sect.* 29.

SECT. VIII.

Responsibility of Estates under division for Revenue.

Joint landed property to be held responsible for the payment of the public revenue, until the parties are put in possession of their distinct shares.

51. Landed property for the payment of the public revenue, assessed upon which engagements have been or may be concluded with the proprietors, and which may be ordered to be divided under this Regulation, shall remain under charge of the manager appointed by the proprietors of joint undivided estates; and the whole of it shall be held answerable for the payment of the public revenue assessed upon it (except in the cases hereafter specified) until the division shall have been finally adjusted and ratified, and the proprietors put into possession of the distinct estates into which it may be ordered to be divided.—*Reg.* XIX. 1814, *Sect.* 28.

Joint estates and estates under attachment, only to be sold at the end of the year.

52. Joint estates shall not be liable to sale for arrears that may accrue during the progress of a Butwarra or partition, until the expiration of the year within which the arrear may become due. In like manner, estates under attachment by order of the Courts of Justice, shall not be liable for sale in the middle of the year, for arrears accruing during the period of such attachment.—*Reg.* XI. 1822, *Sect.* 3, *Cl.* 3.

SECT. IX.

Register of Partitions.

A register of all confirmed partitions to be kept.

53. After the date of this Regulation, a register according to the annexed form* shall be kept in the English language of all confirmed partitions. This register shall merely shew the name, the recorded proprietor or proprietors, and the jumma of the estate as it stood when the partition was commenced, with the names, the recorded proprietors, and the jumma of the several portions thereof made into distinct estates by the partition when confirmed, together with the date of the confirmation, and whenever any such distinct estate (created by partition) shall fall in balance, so as to require a sale of the land for the discharge of the arrear, at any period within ten years of the date of the confirmation of such partition, it shall be the duty of the Collector, by every means in his power, to trace the cause of such

Collector to report in cases requiring a sale of lands for balances arising from an improper allotment of the jumma within ten years.

* Vide the end of this Chapter.

balance towards ascertaining whether it has arisen from any fraudulent or erroneous allotment of the assessment, at the time of the division, and whatever may appear to be the cause, to make a special and full report upon the case to the Board, to whose authority he may be subject, and who will determine upon the receipt of such report whether the sanction of the Governor General in Council, shall be obtained, for directing a new allotment of the jumma upon the several portions into which the original estate was divided, or otherwise.—*Reg.* XIX. 1814, *Sect.* 31.

SECT. X.

Rule to discourage delays in giving possession.

Rules for discouraging all artificial delays from impediments thrown in the way by parties.

54. With the view of discouraging all artificial delays in giving possession of their proper shares to sharers entitled to separation in joint estates, held in common tenancy, it is hereby enacted, that whenever it shall appear to the Board of Revenue or Board of Commissioners, that a partition duly proceeded upon, is not or cannot be completed within the period originally fixed in the sunnud to the Aumeen, by reason of any impediments thrown in the way of its completion by the party or parties holding possession of the estate, it shall be competent for those Boards respectively, upon an application being preferred to them to that effect by the sharer who is out of possession (either through the Collector or directly to the Board) to direct immediate possession to be given to such sharer of a certain quantity of the lands of the estate, the assets of which shall be just sufficient (as far as the same can be ascertained) to produce the amount of the jumma payable by such sharer when separated (and which in all cases of fractional shares, is of course known) with an advance of from fifteen to twenty per cent. (viz. ten per cent. for malikana, and not less than five, nor more than ten per cent. for charges of collection) and no more. This possession is not however to be considered as a final allotment, but the partition is still to proceed in the regular manner with the view to the adjustment of any inequalities of proportion which the assets of the lands thus delivered to the possession of the sharers may be ultimately found to bear to the assets of the estate at large, as well as the adjustment of all other points affecting the value of the several sharers when divided, so that

on the completion of the partition the final allotment of land to the several parties separated according to the jumma payable by them may in every respect be conformable to the rules prescribed in Section 7 and 8 of this Regulation.—*Reg.* XIX. 1814, *Sect.* 32.

SECT. XI.

Execution of the duties of the Board.

Board of Revenue and Board of Commissioners to be guided by any special orders they may receive from the Governor General in Council.

To whom they are to apply in all cases unprovided for by the Regulations.

55. In the execution of the duties vested in the Board of Revenue and Board of Commissioners by this Regulation, as in all other cases, they shall be guided by whatever special orders or instructions they may at any time receive from the Governor General in Council, to whom they shall apply in all cases which they may consider unprovided for by the Regulations.—*Reg.* XIX. 1814, *Sect.* 35.

SECT. XII.

Special Rules for the division of estates in the Ceded Provinces.

Rules under which putteedars or sharers of undivided estates having the acknowledged right and possession of villages, may cause a separation thereof from the general estate.

56. Any putteedar or sharer of a joint undivided estate, having the exclusive and acknowledged right to, and possession of, one or more distinct village or villages in such estate, shall be at liberty under the following reservations and exceptions, to cause the said village or villages to be separated from the general estate; and the jumma of such village or villages, shall be allotted after an exact measurement of the lands comprised therein, by deducting from the gross produce thereof an allowance, according to circumstances, from five to ten per cent for the expense of management, and ten per cent of the net income of the proprietor, leaving the remainder as the jumma of Government. Provided always, that the quantity of land in actual cultivation at the time of separation, be not less than five-sixths of the land capable of tillage in the said village or villages, and that no objection be offered to the fairness and adequacy of the assessment on the part of the other sharers, in the general estate of which such village or villages formed a part. —*Reg.* IX. 1811, *Sect.* 2.

What the accounts of the measurement shall con-

57. The account of the measurement directed in the preceding Section, shall exhibit the whole of the actual gross produce of

the lands, and shall be formed under the immediate superintendence of the Collector. The original thereof shall be attested by the proprietor requiring the separation, the putwary of the village, the mirdahs, canongoes and tehseeldar of the pergunnah. Copies of all such measurements shall be kept in the office of the canongoes, and annually bound in a book, to be attested with the official seal and signature of the Collector, and then returned to those officers for deposit among their records.—*Reg.* IX. 1811, *Sect.* 3.

tain, and how they are to be prepared and disposed of.

58. The measurement directed in Section 2, shall be made entirely at the expense of the party requiring the division; and the rules laid down in Regulation V. 1810,* as far as they regard the mode of payment of persons employed in dividing lands, are to be applied to this case.—*Reg.* IX. 1811, *Sect.* 4.

How the expence of the measurement is to be defrayed.

59. Any putteedar in the actual possession and occupancy of a defined share in a joint undivided estate, (whether such share be defined by a specific quantity of land, or a specified fractional part of a rupee, or of a begah) who may be desirous of having a separate allotment made of the proportional jumma, to which he would be liable in the proportion of his interest in the estate, shall be at liberty to prefer to the Collector an application to this effect, and the Collector on receipt thereof, shall proceed to allot the separate assessment of such share in the mode prescribed by Section 2, for the allotment of entire villages. Provided however, that if the specific interest of the party in the estate shall be disputed by the other sharers, no separate allotment shall take place until his specific interest shall have been ascertained by award of arbitration, as provided in a subsequent part of this Regulation for claimants not in possession, or by the decree of a court of judicature.—*Reg.* IX. 1811, *Sect.* 5.

How putteedars possessing a defined share in an undivided estate may procure a separate allotment of the proportional jumma.

60. Whenever all the occupant putteedars of a joint undivided estate, shall desire or consent to an allotment of the jumma on the shares in their respective occupancy, and shall deliver to the Collector in writing a petition signed by the whole of them, containing a statement of the proportional allotment affixed by themselves on each share; it shall be competent to the Collector, with the approbation of the Board of Commis-

Rules in the case of all the occupant putteedars desiring or consenting to an allotment of the jumma on their respective shares.

* This Regulation is rescinded; but the scale for the remuneration of the Ameens will be found in page 431.

sioners, after having satisfied himself by minute and accurate enquiry, that the statement in question is the bonâ fide declaration of the subscribing parties; that the signatures are voluntary and authentic; and that Government is not liable to suffer in its interests by the measure, to take separate engagements for each puttee from the owner thereof as a distinct proprietor at the jumma so fixed by the putteedars conjointly; and no non-occupant putteedar shall be entitled afterwards to assent to, or dissent from, the allotment.—*Reg.* IX. 1811, *Sect.* 6.

Rules in the case of such putteedars desiring an allotment but not agreeing as to their respective proportions.

61. Whenever all the occupant putteedars of a joint undivided estate shall desire such an allotment, but may not agree among themselves in regard to their respective proportions of the jumma so to be allotted; the Collector on receipt of an application to that effect under the seals or signatures of the whole of such putteedars, and after satisfying himself of the voluntary concurrence of all the subscribing parties, shall proceed to allot the proportional jumma of each respective share, by causing an actual and exact measurement to be made of the entire estate and of each share, by an Aumeen to be deputed for the purpose, or by the tehseeldar, canongoes and mirdahs of the purgunnah; and the expense of such measurement shall be defrayed by all the putteedars in the proportion of their respective interests.—*Reg.* IX. 1811, *Sect.* 7.

Rules as to the conduct of such allotments.

62. The Board of Commissioners shall instruct the Collector, from time to time, as to the mode by which the duties directed in the preceding sections may be best conducted; and all divisions and allotments made under these rules shall be recorded in the canongoe's office, and attested by the parties and by the local mofussil officers in the same manner as is directed by Section 3, in regard to the measurement of distinct villages. It is moreover to be understood, that all the provisions of the existing Regulations in regard to Aumeens deputed by a Collector, shall be held applicable to Aumeens deputed under Sections 2, 5, and 7, of the present Regulation.—*Reg.* IX. 1811, *Sect.* 8.

No division or allotment to be valid until sanctioned by the Board of Commissioners and Government may revise the assessment within ten years in certain cases.

63. No division of a share in an estate or allotment of jumma therein shall be considered valid, until expressly sanctioned by the Board of Commissioners; and the Governor General in Council reserves to himself the power of revising the assessment made under Sections 2, 5, 6, and 7, at any time within the period of ten years after the making thereof, on proof to his

satisfaction of fraud, collusion, or gross error.—*Reg.* IX. 1811, *Sect.* 9.

Rules in cases of persons not in possession, claiming to be putteedars.

64. Any person claiming to be a putteedar or joint sharer in an estate, but not having actual possession of any specific portion thereof, shall be at liberty to prefer his claim before the Collector, who will thereupon serve on the party or parties, who have engaged for the estate in proprietary right, a written notice setting forth the claim and calling upon such party or parties for an admission or denial of the claim; and if the said party or parties admit by a writing authenticated by his or their seal or signature, and attested by the canongoes, the right of the claimant to a specific portion of the estate, it shall be competent to the Collector to give the claimant possession of such specific portion, and to proceed to a separate allotment of the jumma of such portion under the provisions of Section 2, or 5, of this Regulation, according as such portion may consist either of one or more distinct village or villages, or of a defined share in the entire estate.—*Reg.* IX. 1811, *Sect.* 10.

Rules in the event of such claims being denied or disputed.

65. In the event of the claim being denied, or the specific interest of the claimant being disputed, the Collector shall recommend to the several parties to submit the matter in dispute to the arbitration of three or more of the neighbouring zemindars, assisted by the canongoes of the pergunnah; and on the parties consenting to appoint arbitrators, it shall be competent to the Collector to tender to the parties for execution arbitration bonds in the form prescribed by Regulation XXI. 1803; and on the due execution of the arbitration bonds by the parties, to refer the matter for decision to the arbitrators; and all the provisions of the said Regulation shall be applicable to awards given by arbitrators appointed under this Section. Provided however, that if either party refuse to concur in submitting the matter to arbitration, the claimant shall be left to prosecute his claim by regular suit in the courts of judicature.—*Reg.* IX. 1811, *Sect.* 11.

What the award or decree in such cases shall contain and how to be carried into effect.

66. The arbitrators in all cases refered to them for amicable adjustment under the foregoing Section, and the courts of judicature in all suits for putteedaree shares of an estate shall make it a rule, on giving a decision in favour of the claimant, to specify in the award or decree, the precise share to which the claimant may be entitled, whether it consist of one or more distinct village or villages, or of a defined portion of the gene-

ral estate. The Collector on production of such award or decree shall proceed to the separate allotment of the jumma of the share thus awarded or decreed under the provisions of Section 2, or 5, of this Regulation, according as they may be respectively applicable to the case.—*Reg.* IX. 1811, *Sect.* 12.

The shares after the separate allotment shall not be liable for any arrears except such as may accrue on its separate proportion of the jumma.

67. After the separate allotment of the jumma upon any one or more share or shares of an estate, or upon all the shares of an estate shall have been made in conformity to the provisions of Sections 2, 5, 6, or 7, of this Regulation, according as the provisions of either may be applicable to the case, and shall have been confirmed by the Board of Commissioners under Section 9; the share or shares upon which a separate proportion of the general jumma may have been so allotted, shall not be held liable for any default or arrear of revenue except such as may accrue on the separate proportion of jumma thus allotted upon such share or shares, and in the event of its being necessary to have recourse to a sale of lands for the recovery of any arrear of revenue due from such an estate, the share or shares, from which the arrear may be due, shall alone be liable to be sold.—*Reg.* IX. 1811, *Sect.* 13.

Board of Commissioners may in certain cases authorize a conditional transfer of defaulting shares.

68. In consideration of the peculiar nature of the putteedaree tenures to which this Regulation is meant to apply; it is hereby declared, that whenever the Board of Commissioners shall deem it expedient not to proceed to the absolute sale of such defaulting share, it shall be competent to the said Board to authorize a conditional transfer of such share to the proprietor of any other share of the same general estate by way of mortgage or conditional sale, for the amount of the arrear, or of such portion of it as may be equal to the value of the defaulter's share, or with a reservation for a further payment to the owner, if the value of the share in the Board's judgement exceed the amount of the arrears: and the defaulting proprietor or proprietors of the share so transferred, and his or their legal representative or representatives shall be entitled to reclaim possession of such share or shares on repayment of the consideration, for which it may have been so transferred, with legal interest at any time within five years from the date of the transfer.—*Reg.* IX. 1811, *Sec.* 14.

Rules as to tenders of repayment under such conditional transfers.

69. If the person to whom such defaulting share shall have been so transferred, shall on tender of payment before two competent witnesses, refuse to accept the same and to surrender

possession of the land, the party tendering it shall be at liberty to deposit the amount in the zillah court, and the judge shall on such deposit being made, proceed as is directed by Regulation XXXIV. 1803, in regard to the redemption of conditional sales by the act of the party. If payment of the principal and interest shall not be tendered within five years, the puttee will of course become the bonâ fide property of the mortgagee.—*Reg.* IX. 1811, *Sect.* 15.

Deposit to be made with the Collector before any final process for division or allotment shall issue.

70. No final process shall issue from the Collector's office for the actual division of lands or allotment of jumma under any of the rules contained in this Regulation, until the parties soliciting such division or allotments shall have deposited with the Collector a fee equal to one per cent. on the estimated gross produce of the land so to be divided, as soon as the same may have been ascertained according to the provisions applicable under this Regulation to the case of such division or allotment. —*Reg.* IX. 1811, *Sect.* 16.

How such is to be appropriated.

71. The fee required in the preceding Section, shall be annually accounted for to the Board of Commissioners, who will after inspecting the annual register directed to be prepared by Section 3, of this Regulation, direct its appropriation to the benefit of the native officers in such proportions as may appear proper, on a due consideration of the accuracy and industry of those officers in preparing the register, and the general execution of the duties prescribed for facilitating the division of landed property.—*Reg.* IX. 1811, *Sect.* 17.

These rules not to prevent persons availing themselves of the provisions of Regulation V. 1810.

72. Nothing contained in the foregoing rules shall be construed to prevent persons availing themselves of the provisions contained in Regulation V. 1810, * in cases in which they may not wish to apply for and obtain a separation of their puttees or shares under the present Regulation, or in cases in which this Regulation may not be applicable.—*Reg.* IX. 1811, *Sect.* 18.

SECT. XIII.

Fees on Registering the Division or Union of Estates.

Bengal, Behar, Orissa, Benares.

73. Regulations XXI. 1793, and XXX. 1795, directing the appointment of keepers of the revenue records in the native lan-

* This Regulation is superseded by Reg. XIX. 1814.

guages, these officers have been nominated accordingly; but the Governor General in Council deeming it reasonable that the individuals, whose rights and property may derive additional security from this institution, should contribute towards defraying the expense attending it; the following rules have been enacted, to be in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of the receipt of this Regulation in the several districts respectively.—*Reg.* XV. 1797, *Sect.* 1.

Fees to be levied by the Collectors on registry of the division or union of estates, or lands.

Bengal, Behar, Orissa, Benares.

74. Fees at the following rates shall be levied by the Collectors of the revenue on the registry of any division or union of an estate, or estates, or of lands held exempt from the payment of revenue.—*Reg.* XV. 1797, *Sect.* 2, *Cl.* 1.

On estates paying revenue four annas per cent. on the annual jumma.

Ditto.

75. On any division of an estate, or union of estates, paying revenue to Government, that may take place under Regulations XXV. 1793, or XXVI. 1795, at the rate of one quarter, or four annas, per cent. on the annual jumma, or revenue payable to Government, from the property included in the union or division.—*Reg.* XV. 1797, *Sect.* 2, *Cl.* 2.

On estates exempt from payment of revenue two and a half per cent. on the annual produce.

Ditto.

76. On any division of lands exempt from the payment of public revenue, or any union of such lands, forming originally part of the same grant, made by the proprietor or proprietors of the grant, at the rate of two and a half per cent. on the amount of the annual produce of the property included in the union or division.—*Reg.* XV. 1797, *Sect.* 2, *Cl.* 3.

Fees to be levied on the registry of transfers of land.

Ditto.

77. Fees at the following rates shall be levied by the Collectors on the registry of any transfer of the whole or the part of an estate or estates, or lands held exempt from the payment of revenue, by deed of sale, or gift, or otherwise.—*Reg.* XV. 1797, *Sect.* 3, *Cl.* 1.

On lands paying revenue, one quarter per cent. on the annual jumma.

Ditto.

78. If the estate shall be subject to the payment of revenue to Government, one quarter, or four annas per cent. on the annual jumma or revenue payable to Government from the property transferred.—*Reg.* XV. 1797, *Sect.* 3, *Cl.* 2.

On lands exempt from payment of revenue, two and a half per cent. on the annual produce.

Ditto.

79. If the lands shall be held exempt from the payment of revenue to Government, two and a half per cent. on the amount of the annual produce of the lands transferred.—*Reg.* XV. 1797, *Sect.* 3, *Cl.* 3.

What is to be considered the annual jumma payable to Government.

Ditto.

80. Throughout this Regulation, by the annual jumma payable to Government, is to be understood, the amount of the revenue payable to Government for the year in which the di-

vision, union, or transfer, may be registered, according to the permanent settlement; or the engagement of the farmers, if the lands be farmed; or the estimated receipts, if no settlement of the lands shall have been concluded on the part of Government either with the proprietors or with farmers, and by the annual produce of lands held exempt from the payment of revenue, is to be understood, the amount of the rents received and receivable by the proprietor or the possessor of the lands on account of the year preceding the year in which the division, union, or transfer, may be registered; and the person in possession of such accounts shall be bound to produce them on a written requisition from the Collector, and shall be subject for non-compliance therewith, to the payment of such daily fine until the accounts be produced, as the Board of Revenue may think proper to impose, on a consideration of the situation and circumstances in life of the party.—*Reg.* XV. 1797, *Sect.* 4.

and what the annual produce of lands exempt from payment of revenue.

Mode of compelling the production of accounts to ascertain the annual produce.

Penalty for non-compliance.

81. The amount of the fees and the fine leviable under this Regulation, shall be payable to the Collector on his demand; and if not discharged, shall be leviable by the same process as the payment of arrears of revenue due to Government may be enforced.—*Reg.* XV. 1797, *Sec.* 5.

Fees and fines how to be levied.

82. No person shall be liable under this Regulation to the payment of a greater sum than one hundred Sicca Rupees, on account of any transfer of an estate, or part of an estate, or of lands held exempt from the payment of revenue; or any division of an estate, or the union of any estates, or of lands held exempt from the payment of revenue; and accordingly, when the fee on any such transaction, would, calculating according to the rates above prescribed, amount to a greater sum than one hundred Sicca Rupees, the excess above that sum, shall not be demanded or received.—*Reg.* XV. 1797, *Sect.* 6.

Fee not to exceed one hundred Sicca Rupees in any one instance.

83. The fees on the division of any estate, or the union of estates paying revenue to Government, leviable under Section 2 of this Regulation, shall be paid on the registry of the same, by the party or parties who are bound to pay the charges attending the division of estates under the rules prescribed in Regulation XXV. 1793, or XXVI. 1795, (according to the province in which the lands may be situated,) and in the same proportions. If the property divided or united be lands held exempt from the payment of revenue, the fees shall be paid by the parties in whose names the property may be registered, in

Fee prescribed by Section 2, by whom to be paid.

the proportion of their respective interests therein.—*Reg.* XV. 1797, *Sect.* 7.

Fees prescribed by Section 3, by whom to be paid.

84. The fees on the transfer of landed property, by deed of sale, or gift, or otherwise, leviable under Section 3, shall be paid by the party to whom the property may be transferred, on the transfer being entered in the public registers of lands.—*Reg.* XV. 1797, *Sect.* 8.

Fees to be carried to the credit of Government, and Collectors to grant receipts.

85. All sums which may be received by the Collectors under this Regulation, shall be carried to the account of Government, and the Collectors are required to grant receipts to the parties for the amount which may be paid by them respectively.—*Reg.* XV. 1797, *Sect.* 9.

Extended to the Ceded Provinces by Reg. XXIII. 1803.

FORM.

REGISTER of BUTWARRAS confirmed, to be kept in the English and Native languages in the Collector's Office, and in the Offices of the Board of Revenue and Board of Commissioners, as required by Section 31, of this Regulation.

1. Name of the Estate.	2. Proprietor or Proprietors.	3. Number of Pergunnahs.	4. Number of Villages.	5. Quantity of Land.	6. Jumma of the entire Estate.	7. Fractional Portion.	8. Proprietor or Proprietors.	9. Number of Pergunnahs.	10. Number of Villages.	11. Quantity of Land.	12. Jumma of each Portion.	13. Date of confirmation.

END OF VOL. I.

APPENDIX.

A.

To come in at Page 59, in succession to Par. 62.

Such part of Section 5, Regulation VII. 1807, as provides that whenever a zemindar in the province of Benares may become huzoory, he shall be considered responsible directly to the magistrate, for the apprehension of public offenders, and for the support of the police generally within the limits of his estate, is also rescinded.—*Reg.* XIV. 1807, *Sect.* 2, *Cl.* 2.

Such part of Section 5, Regulation VII 1807, as contains the provisions herein mentioned, rescinded.

B.

To come in at Page 65, in succession to Par. 79.

In all cases of a settlement being made with, or on behalf of, talookdars, zemindars, putteedars, or other actual proprietors of land, their lands are to be declared in their engagements, to be responsible for the payment of the revenue; besides which, a malzamin, or surety, for the punctual discharge of the revenue, is to be invariably required.—*Reg.* V. 1795, *Sect.* 31.

Security for the payment of the revenue to be demanded from zemindars, as well as from farmers.

C.

To come in at Page 79, in succession to Par. 23.

By Clause Third, Section 53, Regulation XXVII. 1803, respecting the settlement of the ceded provinces, it is enacted, that "persons holding claims to lands, for which engagements "have been entered into by the present possessors, and who "did not prefer their claim to regain possession of the same, "within six months from the date (as recorded in the several "Zillahs,) of issuing the proclamation by the Board of Com-"missioners of the 14th of July, 1802, such claimants shall not

Preamble.

"be entitled to be put in actual possession before the expiration "of the first lease of three years, and claims not preferred "within the aforesaid period of three years shall not entitle the "claimant to regain possession until the expiration of ten years." It is also enacted in article 4, Clause second, Section 53, of the above-mentioned Regulation "that persons fulfilling their "engagements for the first three years, shall have the option of "renewing the same for the second period, on the prescribed "terms, and so on, for the third period." Doubts have in consequence arisen whether the restrictive clauses thus established in favour of farmers and others, to the exclusion, in certain cases, of the actual proprietors of the lands during the whole decennial term, were intended to apply only "to persons who "(according to the terms of the first provision above cited) "might not prefer their claims within the aforesaid period of "three years," or whether the said restrictions should be considered applicable generally to the proprietors of estates, who, having been for any cause excluded from the management of their lands at the conclusion of the first temporary settlement of the ceded provinces, did not prefer a request, within the term of three years, to be admitted to the management of their lands at the expiration of that term. It is consequently become necessary to explain by a declaratory regulation the real intent and meaning of the above provisions, as deducible from the proclamation and instructions published by the Lieutenant Governor and Board of Commissioners in the ceded provinces, in virtue of powers vested in them for that purpose, and from the tenor of other clauses in the existing regulations; the following rules have consequently been passed, to be immediately in force in the ceded provinces.—*Reg.* V. 1808, *Sect.* 1.

Explanation of Clause 3, Section 53, Regulation XXVII. 1803, as to the right of actual proprietors to be put into possession of lands already engaged for by others or farmed out for a term of years.

It is hereby declared, that Clause 3, Section 53, Regulation XXVII. 1803, comprising the substance of instructions issued on the 14th July, 1802, by the Lieutenant Governor and Board of Commissioners in virtue of powers vested in them for that purpose, was intended to relate in the first place, to the case "where any person, calling himself an actual proprietor "of land should enter into engagements for the same; but it "should afterwards appear, that another person was the real "proprietor, and willing to take the land upon the terms of the "settlement." In such case, according to the express provisions of the instructions above cited, "the original engagements

"were to be annulled, and new ones entered into with the real "proprietor; who was to be put in immediate possession;" provided he preferred his claim within six months from the publication of the proclamation of the same date, as required by a further publication issued in conformity to instructions dated 7th August, 1802. "In default of which," as declared in the said publication, "the establishing of his right would not en- "title the proprietor to be put in possession at any time previ- "ous to the expiration of the first lease of three years; during "the whole of which lease the lands were in such case to re- "main in the possession of the person with whom the settlement "had been originally made." It was further provided by the said instructions that, "if persons, having claims to land, did "not prefer and prove the same within the period of the first "lease of the three years, the persons, with whom the existing "engagements had been made, were to remain in possession "until the expiration of the tenth year." The same Clause of the Section and Regulation, as above cited, was intended to relate in the second place to the case of farmers with whom a village settlement should be made (for lands supposed to be without proprietors) under the 7th Article of the proclamation, recited in Regulation XXV. 1803. And; in regard to such farmers, it was provided by the instructions aforesaid, that "in "like manner, and on similar conditions, farmers of villages "were to be held liable to be dispossessed in the event of the "actual proprietors proving their right to the land and of their "coming forward to enter into engagements for the same."—*Reg.* V. 1808, *Sect.* 2.

In what sense the foregoing clause and section is to be understood and in what cases it is to apply.

The aforesaid Section 53, of Regulation XXVII. 1803, being expressly declared by Section 29, of Regulation XXV. 1803, to comprise the substance of the proclamation (instructions) issued by the Lieutenant Governor and Board of Commissioners on the date above mentioned (14th July, 1802,) must be taken and understood according to the tenor and meaning of the said instructions as herein above recited. It is therefore declared, that article 4, Clause 2, Section 53, Regulation XXVII. 1803, together with Clause 3, of the said Section and Regulation, so far as they relate to farmers, were intended to apply only to those estates of which a farming or other settlement had been made with persons, not being the actual proprietors, on the presumption that the lands in question were not the im-

mediate property of any individuals, or in consequence of persons not really owners of the lands entering into engagements as actual proprietors of the same. It consequently follows that, the restrictions in question were not intended to apply to the cases of persons, who at the conclusion of the original settlement of the ceded provinces, had been acknowledged by the officers of Government as the proprietors of the estates in question, but who had been excluded from the immediate management of the lands in consequence of their refusal to accede to the jumma proposed to be assessed thereon, as under such acknowledgement those persons could have no further claim to prefer, or title to establish. This construction of the rules in question is not only conformable to the clear intent of the instructions issued by the late Board of Commissioners to the Collectors for their guidance in the formation of the settlement of the ceded provinces, and with the principles which have uniformly actuated the Government of concluding the settlement in all practicable cases, and at the earliest period of time with the proprietors, but likewise with specific enactments in other parts of the existing regulations. For instance, in Section 33, Regulation XXV. 1803, it is enacted as follows: "The "lands of some zemindars, independant talookdars, and other "actual proprietors of land having been held khaus, or let in "farm, in consequence of their refusing to pay the assessment "required of them, under the proclamation inserted in Section "29, of this regulation, the Governor General in Council "notifies to the zemindars, independant talookdars and other "actual proprietors of land, whose lands are held khaus, that "they shall be restored to the management of their lands, "upon their agreeing to the payment of the assessment which "shall be required of them, in conformity to the prescribed "rules for the settlement of the land revenue; and the "Governor General in Council declares to the zemindars, "independant talookdars, and other actual proprietors of "land, who lands have been let in farm, that they shall not "regain possession of their lands, before the expiration of "the period for which they have been farmed (unless the "farmers shall voluntarily consent to make over to them the "remaining term of their lease, and the Governor General in "Council shall approve of the transfer,) but that, at the expira-"tion of that period, upon their agreeing to the payment of the

"assessment which shall be required of them, they shall be "reinstated, under the general regulations, in the management "of their estates respectively." In like manner, it is enacted in "Section 7, Regulation V. 1805, as follows: "nothing contained "in this regulation shall be considered to affect any settle-"ments which shall have been actually concluded for the "whole or any part of the ensuing three years 1213, 1214, and "1215 Fussily; neither shall any part of this regulation be "construed to preclude the operation of the rule prescribed by "Section 33, Regulation XXV. 1803, under which the zemin-"dars, independant talookdars, and other actual proprietors of "land, whose lands have been let in farm, are entitled, at the ex-"piration of the present triennial settlement ending with the "year 1212 Fussily, to be reinstated, under the general regu-"lations prescribed for such cases, in the management of their "estates, upon their agreeing to the payment of the assessment "required from them." The first of the two rules above cited would have been nugatory and superfluous, had it been intended that the acknowledged proprietors of estates, who had been excluded from the immediate management of their estates, should only reobtain possession on the expiration of the whole of the decennial term; as they would naturally be reinstated in the possession of their lands in the ordinary course on the expiration of that period without any legislative provision for that purpose in their favour. And Section 7, Regulation V. 1805, specifically states, in allusion to the former rule, that the zemindars, independant talookdars, and other actual proprietors of land, whose lands have been let to farm, are entitled at the expiration of the first triennial settlement, to be reinstated in the management of their estates.—*Reg.* V. 1808, *Sect.* 3.

Acknowledged actual proprietors, who had been excluded from the management of their lands on refusing to accede to the prescribed jumma, shall be reinstated at the close of the present Fusilly year on their assenting to the jumma proposed.

Conformably to the foregoing construction of the existing regulations, all persons, who were acknowledged to be the actual proprietors of estates at the conclusion of the first settlement of the ceded provinces, and were excluded from the immediate management of their lands in consequence of their refusal to accede to the jumma required from them, were justly entitled to be reinstated in possession of their lands at the expiration of the first triennial lease on their agreeing to the payment of the assessment required of them; and are in like manner entitled to the possession and management of their lands, under the same condition, at the expiration of the trien-

nial lease now in force. It is accordingly hereby declared that they shall be reinstated in the possession and management of their lands at the close of the current Fussily year, on their assenting to the jumma which may now be assessed on their respective estates. No part however of this regulation shall be construed to extend to the case of the claimants of estates in the ceded provinces, whose proprietary right was disputed at the period of the conclusion of the first triennial settlement of those provinces, and who did not establish their claims in a court of justice before the expiration of the first triennial settlement. In all cases of this description, in which the lands were let to farm the farmers are entitled under the regulation above noticed and the conditions of their lease to the option of renewing the lease for the period of four years from the commencement of the Fussily year 1216, provided that they have hitherto duly fulfilled the conditions of their engagements.—*Reg.* V. 1808, *Sect.* 4.

This rule not to extend to persons whose proprietary right was not established before the expiration of the first triennial settlement.

D.

To come in at Page 149, *in succession to Par.* 15.

Provisions of the above Regulation in regard to the simultaneous prosecution of judicial investigations and determination of the Government demand, rescinded.

The Governor General in Council will hereafter determine the order in which these matters shall be disposed of.

So much of the above Regulation as prescribes, or has been understood to prescribe, that the judicial investigation into and decision on questions of disputed private claims, shall be conducted simultaneously with the ascertainment of and determination on the amount of the Government demand, is hereby rescinded.—The Governor General in Council will hereafter determine the order in which the above matters shall be respectively disposed of.—*Reg.* IX. 1833, *Sect.* 3.

E.

To come in at Page 179, *in succession to Par.* 19.

Sales of entire estates not liable to be annulled by the Courts, on the grounds of some of the sharers not having obtained possession and, the decision on the expediency of selling entire estates or particular parts vested in the Boards respectively.

It is hereby declared, that sales made of entire estates for the recovery of arrears of public assessment, are not liable to be annulled by the courts of judicature, on the ground that one or more of the sharers may not have obtained possession of his or their interest in the property. The consideration of and decision on the expediency of selling the entire estate, or of disposing in the first instance of any particular part of it, is hereby declared to reside in the Board of Revenue and Board of Commissioners respectively, subject to the control exercised by

the Government, in its executive capacity, in matters connected with the public revenue.—*Reg.* V. 1812, *Sect.* 24.

Sales not liable to be annulled on the ground of the proceeds having materially exceeded the arrears due.

No means existing, by which any certain or accurate computation can be formed a priori of the real value of any estate, or portion of estate, which may be exposed to sale for the recovery of arrears of public assessment, or of the adequacy of the price which may be offered for such estate, or portion of estate: It is hereby declared, that sales made at public auction, for that purpose are not liable to be annulled by the courts of judicature on the ground that the proceeds of the sales have materially exceeded the amount of the arrears due from the proprietor of the lands to Government. The Board of Revenue and Board of Commissioners will be guided in cases of that nature by their own discretion; subject of course to any instructions with which they may at any time be furnished by the Governor General in Council.—*Reg.* V. 1812, *Sect.* 25.

F.

To come in at Page 202 *in succession to Par.* 69.

Leases of under-farmers, a part only of the lands included in whose leases are sold for arrears, declared cancelled under Section 5, Regulation XLIV. 1793.

The rules contained in Section 5, Regulation XLIV. 1793, are hereby declared to extend to the cancelling wholly the leases of those under-farmers, a part only of the lands included in whose leases may be sold for the discharge of arrears of public revenue.—*Reg.* III. 1796, *Sect.* 3.